

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3314. By Mr. LEE of Georgia: Petition of sundry citizens of Rome, Ga., protesting against the passage of the compulsory Sunday observance law (S. 3218); to the Committee on the District of Columbia.

3315. By Mr. LINDSAY (by request): Petition of the Religious Liberty Association, C. S. Longacre, general international secretary, of Takoma Park, Washington, D. C., with request that said petition be entered in the CONGRESSIONAL RECORD and then referred to the House Committee on the District of Columbia, which may ultimately have to consider the compulsory Sunday observance bill (S. 3218), against which the Religious Liberty Association is unalterably opposed; to the Committee on the District of Columbia.

3316. By Mr. MILLIGAN: Petition of sundry citizens of Gentry, Mo., protesting against the passage of the compulsory Sunday observance law (S. 3218); to the Committee on the District of Columbia.

3317. By Mr. O'CONNELL of New York: Petition of the Jamaica Women's Club, of Jamaica, Long Island, N. Y., favoring the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3318. Also, petition of Fox Patrol of Troop No. 14, Boy Scouts of America, Woodhaven, Long Island, N. Y., favoring the postal salary increase bill (S. 1898); to the Committee on the Post Office and Post Roads.

3319. Also, petition of the Arthur McArthur Camp, United Spanish War Veterans, favoring House bill 5954, for a uniform and equal standard for rating of all United States war veterans; to the Committee on World War Veterans' Legislation.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, December 31, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Heavenly Father, as we pause in Thy holy presence, we are reminded that we are standing on the very verge of the old year. We thank Thee that the life of God and the life of man have been united and that behind the scenes on earth there surges still Thy mercy which floods the world. In abiding memory help us to treasure the good, the beautiful, and the true. Thy amazing love, so immense and free, have been our comfort and our support. Soon we shall be in the doorway of the new year. For all that awaits us, give us knowledge with conviction, ability with self-control, and the deepest thought with the deepest feeling. May our imperative concern be to fear God, to love righteousness, and to build manhood. As our dear ones of the hearthstone turn the new leaf of the new book with gladness, may it be prophetic of a year full of joy, love, and happiness. The Lord bless our President and Heaven's choicest blessings fall upon our entire country. O Lord God, the years are forming and disappearing; the months are woven only to be unraveled. We are powerless to stay the day when we shall pass forever from the scenes we love. O help us to carry along with us the choicest thoughts and aspirations, and whisper Thy presence to us each passing day, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the roll of committees.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8235. An act for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 162. An act to amend the act establishing the eastern judicial district of Oklahoma, to establish a term of the United States District Court for the Eastern Judicial District of Oklahoma at Pauls Valley, Okla.;

H. R. 644. An act providing for the holding of the United States district and circuit courts at Poteau, Okla.;

H. R. 704. An act to authorize the Court of Appeals for the First Circuit to hold sittings at San Juan, P. R.;

H. R. 914. An act granting six months' gratuity pay to Stansfield A. and Elizabeth G. Fuller;

H. R. 1078. An act for the relief of Fred E. Jones Dredging Co.;

H. R. 1082. An act for the relief of Henry A. Kessel Co. (Inc.);

H. R. 1333. An act for the relief of Joseph P. Ryan;

H. R. 1682. An act for the relief of the Stone Towing Line;

H. R. 2005. An act for the relief of William J. McGee;

H. R. 2335. An act for the relief of J. Jessop and sons;

H. R. 2373. An act for the relief of the Standard Oil Co., at Savannah, Ga.;

H. R. 2869. An act for the establishment of a United States industrial reformatory;

H. R. 2989. An act for the relief of Mrs. E. L. Guess;

H. R. 3046. An act for the relief of J. W. Cook;

H. R. 3388. An act to place the name of Paul Crum on the muster rolls of Company E, First Regiment Nebraska Infantry, United States Volunteers;

H. R. 3504. An act for the relief of Cornelia M. A. Tower;

H. R. 3505. An act for the relief of Fred W. Stickney and H. A. Reynolds;

H. R. 3511. An act to extend relief to the claimants in township 16 north, ranges 32 and 33 east, Montana meridian, Montana;

H. R. 3748. An act for the relief of Lebanon National Bank;

H. R. 4275. An act authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims;

H. R. 4318. An act for the relief of Edward S. Scheibe;

H. R. 4432. An act for the relief of Orville Paul;

H. R. 4760. An act for the relief of the estate of C. M. Cole, of Butler County, Ky.;

H. R. 4818. An act to protect the title of purchasers of Indian lands sold under the provisions of the act of Congress of March 3, 1909 (35 Stat. L. p. 751), and the regulations pursuant thereto as applied to Indians of the Quapaw Agency;

H. R. 5425. An act to provide for the disposition of moneys paid to or received by any official as a bribe which may be used as evidence in any case growing out of any such transaction;

H. R. 5661. An act granting permission to Col. Harry F. Rethers, Quartermaster Corps, United States Army, to accept the gift of a Sevres statuette entitled "Le Courage Militaire," tendered by the President of the French Republic;

H. R. 6241. An act for the relief of Lieut. E. J. McAllister;

H. R. 6383. An act for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co., of Baltimore, Md., and the National Surety Co.;

H. R. 6384. An act for the relief of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co., of Baltimore, Md.;

H. R. 6506. An act for the relief of John Baumen;

H. R. 6541. An act to amend an act entitled "An act to provide for the disposal of the unallotted lands on the Omaha Indian Reservation in the State of Nebraska";

H. R. 6817. An act to provide for the construction of a vessel for the Coast Guard;

H. R. 7077. An act to amend an act entitled "An act to amend an act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913," approved May 26, 1920;

H. R. 7194. An act for the relief of Bertram Gardner, former collector of internal revenue for the first district of New York;

H. R. 7296. An act for the relief of John W. Dilks;

H. R. 7420. An act for the relief of Albert E. Laxton;

H. R. 7453. An act to amend an act approved March 3, 1909, entitled "An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes";

H. R. 7522. An act to authorize and direct issuance of patents to purchasers of lots in the town site of Bowdoin, Mont.;

H. R. 8100. An act for the relief of the estate of Charles L. Freer, deceased;

H. R. 8343. An act for the relief of Jim Hennessee;

H. R. 8545. An act conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership, and right of possession of the Yankton Band of Santee Sioux Indians to the Red Pipestone quarries, Minnesota;

H. R. 9518. An act granting the consent of Congress to the State of Alabama through its highway department to construct and maintain a bridge across the Coosa River at or near Leesburg, Ala.; and

H. J. Res. 257. Joint resolution providing for the procurement of a design for the use of grounds in the vicinity of the Mall by the United States Botanic Garden.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 876. An act to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes;

S. 854. An act for the relief of Margaret Richards;

S. 747. An act for the relief of Joseph F. Becker;

S. 685. An act to authorize the Secretary of Commerce to sell certain department publications and to provide for crediting the department's printing allotment with the proceeds;

S. 660. An act for the relief of the Ogden Chamber of Commerce;

S. 369. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

S. 308. An act to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919;

S. 1543. An act for the relief of George E. Harpham;

S. 1392. An act authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims;

S. 1340. An act to make the necessary survey and to prepare a plan of a proposed parkway to connect the old Civil War forts in the District of Columbia;

S. 1179. An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan, of other streets, roads, or highways in the District of Columbia, and for other purposes;

S. 1033. An act to establish the Benning National Forest in the State of Georgia;

S. 1022. An act for the relief of Francis Nicholson;

S. 1016. An act for the relief of Augusta Reiter;

S. 994. An act to amend the act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes";

S. 1897. An act for the relief of Mrs. Benjamin Gauthier;

S. 1893. An act to refund certain duties paid by the Nash Motors Co.;

S. 1828. An act to supplement the military record of Lieut. Commander Charles O. Maas;

S. 1733. An act to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the Militia Target Range Reservation, State of Utah;

S. 1705. An act for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33;

S. 1665. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.;

S. 1653. An act authorizing the expenditure for certain purposes of receipts from oil and gas on the Navajo Indian Reservation in Arizona and New Mexico;

S. 1569. An act to compensate Lieut. L. D. Webb, United States Navy, for damages to household effects while being transported by Government conveyance;

S. 52. An act for the relief of Alice M. Durkee.

S. 1837. An act for the relief of the Staples Transportation Co., of Fall River, Mass.;

S. 2053. An act to provide for designating the route of the Old Oregon Trail;

S. 2079. An act for the relief of the owner of the American steam tug *O'Brien Brothers*;

S. 2130. An act for the relief of the owner of the ferryboat *New York*;

S. 2139. An act for the relief of the estate of Walter A. Rich, deceased;

S. 2173. An act to provide fees to be charged by clerks of the district courts of the United States;

S. 2174. An act to provide for accounting by clerks of United States district courts of fees received by them in naturalization proceedings;

S. 2175. An act to provide for reporting and accounting of fines, fees, forfeitures, and penalties, and all moneys paid to or received by clerks of United States courts;

S. 2176. An act to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357);

S. 2179. An act to provide for the rendition of accounts by United States attorneys, United States marshals, clerks of United States courts, and United States commissioners;

S. 2223. An act for the relief of the estate of Robert M. Bryson, deceased;

S. 2254. An act for the relief of the Beaufort County Lumber Co., of North Carolina;

S. 2293. An act for the relief of Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.);

S. 2375. An act to facilitate the suppression of the intoxicating liquor traffic among Indians;

S. 2458. An act to authorize the payment of the indemnity to the Swedish Government for the losses sustained by its nationals in the sinking of the Swedish fishing boat *Lilly*;

S. 2478. An act to carry out the findings of the Court of Claims in the case of Kate Reaney Zeiss, administratrix of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, against the United States;

S. 2503. An act for the relief of W. H. King;

S. 2520. An act to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and others;

S. 2534. An act for the relief of J. E. Saucier;

S. 2568. An act for the relief of the owners of the steam tug *Joshua Lovett*;

S. 2689. An act for the relief of the First International Bank of Sweetgrass, Mont.;

S. 2691. An act to amend the Penal Code;

S. 2714. An act for the relief of John F. Malley;

S. 2774. An act for the relief of G. Ferlita;

S. 2794. An act for the relief of Margaret B. Knapp;

S. 2833. An act for the relief of Rinald Bros., of Philadelphia, Pa.;

S. 2838. An act to provide for expenditure of tribal funds of Indians for construction, repair, and rental of agency buildings and related purposes;

S. 2842. An act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes;

S. 2860. An act for the relief of the Canada Steamship Lines (Ltd.);

S. 2879. An act for the relief of James E. Jenkins;

S. 2950. An act to define and determine the character of the service represented by the honorable discharge issued to John McNickle, of Company L, Seventh Regiment New York Volunteer Heavy Artillery, under date of September 27, 1865;

S. 2976. An act to authorize the Comptroller General of the United States to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii, and special disbursing agent, in the settlement of certain accounts;

S. 2992. An act for the relief of the Berwind-White Coal Mining Co.;

S. 3036. An act to amend the law relative to timber operations on the Menominee Reservation in Wisconsin;

S. 3053. An act to quiet title to original lot 4, square 116, in the city of Washington, D. C.;

S. 3066. An act for the relief of Albert E. Magoffin;

S. 3072. An act to refund taxes paid on distilled spirits in certain cases;

S. 3073. An act for the relief of George A. Berry;

S. 3080. An act for the relief of the Uintah and White River Tribes of Ute Indians of Utah;

S. 3084. An act to enlarge the fish cultural station at Orangeburg, S. C.;

S. 3123. An act authorizing the Secretary of Commerce to convey certain land to the city of Duluth, Minn.;

S. 3173. An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial in the city of Washington to an appropriate point in the State of Virginia, and for other purposes;

S. 3235. An act for the relief of Christina Conniff;



S. 3247. An act providing for the payment of any unappropriated moneys belonging to the Apache, Kiowa, and Comanche Indians to Jacob Crew;

S. 3252. An act referring the claim of the State of Rhode Island for expenses during the war with Spain to the Court of Claims for adjudication;

S. 3281. An act for the relief of Ralph Ole Wright and Varina Belle Wright;

S. 3292. An act granting the consent of Congress to the city of Hannibal, Mo., to construct a bridge across the Mississippi River at or near the city of Hannibal, Marion County, Mo.;

S. 3346. An act to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes;

S. 3352. An act to provide for the appointment of an appraiser of merchandise at Portland, Oreg.;

S. 3357. An act to amend sections 2 and 5 of the act entitled "An act to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922 and all other customs revenue laws," approved March 4, 1923;

S. 3370. An act for the relief of Mary T. Metcalfe;

S. 3392. An act to amend section 558 of the Code of Law for the District of Columbia;

S. 3428. An act authorizing the construction of a bridge across the Ohio River to connect the city of Portsmouth, Ohio, and the village of Fullerton, Ky.;

S. 3505. An act for the relief of Canadian Car & Foundry Co. (Ltd.);

S. 3530. An act to amend the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton";

S. 3534. An act to correct the military record of Thomas C. Johnson, deceased;

S. 3548. An act for the relief of the heirs of Karl T. Larson, deceased;

S. 3571. An act authorizing the transfer of real property no longer required for lighthouse purposes;

S. 3584. An act to extend the time for completing the construction of a bridge across the Delaware River;

S. 3640. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River south of Chelan Falls, Wash.;

S. 3641. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Vantage Ferry, Wash.;

S. 3642. An act granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Kettle Falls, Wash.;

S. 3707. An act granting a pension to Edith Bolling Wilson;

S. J. Res. 46. Joint resolution for the relief of Capt. Ramon B. Harrison;

S. J. Res. 131. Joint resolution authorizing the Director of the United States Veterans' Bureau to take assignments of certain claims of patients of General Hospital No. 55, Fort Bayard, N. Mex.;

S. J. Res. 133. Joint resolution authorizing and requesting the Postmaster General to design and issue a special postage stamp to commemorate the arrival in New York on October 9, 1825, of the sloop *Restaurationen*, bearing the first shipload of immigrants to the United States from Norway, and in recognition of the Norse-American Centennial celebration in 1925; and

S. J. Res. 135. Joint resolution granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt.

#### EMERGENCY MAIL SERVICE IN ALASKA

Mr. MOORE of Ohio (when the Clerk called the Committee on the Post Office and Post Roads). Mr. Speaker, I am directed by the Committee on the Post Office and Post Roads to call up H. R. 6581, a bill authorizing the Postmaster General to provide emergency mail service in Alaska.

The SPEAKER. The gentleman from Ohio calls up the bill H. R. 6581, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Connecticut [Mr. TILSON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6581, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 6581, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That hereafter the Postmaster General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable without advertising therefor.

With the following committee amendment:

Page 1, line 3, after the word "That," strike out the word "hereafter."

Mr. MOORE of Ohio. Mr. Chairman and gentlemen of the committee, since 1901 this language, or similar language, has been carried in the annual appropriation bill, and the object of this bill is to give permanency to the legislation which we have been passing since 1901 for emergency mail service in Alaska. At certain seasons of the year in Alaska the regular carriers and those who carry the mail from place to place are unable to perform their duty and the mail accumulates, and that has been the necessity from year to year for this emergency legislation. Such legislation has been necessary each year, and the Post Office Department recommends that it be made permanent law, in order to do away with the necessity of passing language similar to this from year to year. Mr. Triem, of the Post Office Department, appeared before the committee and it is recommended by the Post Office Department. The Delegate from Alaska [Mr. SUTHERLAND] also told of the conditions there, and it seems to me it is desirable that this shall be made permanent legislation. That was the opinion of the committee, and the bill has been unanimously reported. I do not see any particular necessity for taking any more of the time of the committee, unless some Member has some questions to ask about the legislation.

Mr. LANHAM. Will the gentleman yield?

Mr. MOORE of Ohio. Yes.

Mr. LANHAM. While this is to be permanent legislation, it does not provide, does it, for permanent mail routes? It simply provides authority to take care of emergency cases, and these routes and facilities will be used only in time of emergency, and it is not contemplated that these will be permanent mail-service routes.

Mr. MOORE of Ohio. It is not. The bill provides that the authority shall exist in cases of emergency and it is so intended. It will have nothing to do with the regular mail service, but it will only assist when an emergency develops because of the ice, snow, and things of that kind, when the regular carriers can not handle the mail and when there is an accumulation of the mail.

Mr. RANKIN. Let me ask the gentleman a question. Does the Postmaster General have that same authority relative to conditions in the continental United States and the other Territories?

Mr. MOORE of Ohio. Well, I am not positive, but I should think not. If he had general authority for emergency cases like this, I should think it would apply to Alaska. That is merely my opinion, because I have not had that question raised so I could make an extensive investigation of that fact. But if the Postmaster General had general authority, I should think there would not be any necessity for this particular legislation for Alaska.

Mr. RANKIN. It seems to me that if we are going to pass legislation of this kind, putting this provision into the permanent law, that the same reasons which would argue in favor of passing it relative to Alaska would also apply to the continental United States.

Mr. MOORE of Ohio. Well, I do not believe there would be in continental United States any of the extreme conditions which exist in Alaska.

Mr. RANKIN. I will name one to the gentleman. Day before yesterday, in the town of Corinth, in my district, they had the most disastrous fire they ever had in the history of that city, and, among other things, it destroyed the Government post-office building. Now, there is an emergency that is as real and as urgent as any that will happen in Alaska or any other territory, and I just want to ask the gentleman whether or not this same provision would apply there, and whether the Postmaster General would have the same right to go ahead and make temporary provision for taking care of that situation.

Mr. MOORE of Ohio. I may say, in reply to the gentleman, that I do not know. He may know more about that local condition, but it seems to me that in a case like that the Post Office Department now has the authority to do that, although I am not sure.

Mr. RANKIN. I am asking for that information.

Mr. SUTHERLAND. The case the gentleman speaks of would not involve the letting of a contract for carrying the mail.

Mr. RANKIN. Oh, well, these are only temporary contracts as provided for in this bill, and this will involve the making of temporary contracts for the housing of the post office and for the handling of the mail at Corinth, and it is a situation that is very grave. So it seems to me that if we are going to make this provision for any Territory or insular possessions there ought to be some such provision for taking care of a similar situation at home.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill, with the following committee amendment:

Page 1, line 3, after the word "That," strike out the word "hereafter."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MOORE of Ohio. Mr. Chairman, I move that the committee do now rise and report the bill to the House with an amendment with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6581) authorizing the Postmaster General to provide emergency mail service in Alaska, and had directed him to report the same back to the House with an amendment with the recommendation that the amendment be agreed to and the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOORE of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### AIR MAIL SERVICE—POST OFFICE DEPARTMENT

Mr. LAGUARDIA. Mr. Speaker, I am directed by the Committee on the Post Office and Post Roads to call up the bill (S. 1051) to authorize and provide for the payment of the amounts expended in the construction of hangars and the maintenance of flying fields for the use of the Air Mail Service of the Post Office Department.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union; and the gentleman from Connecticut [Mr. TILSON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1051, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 1051, which the Clerk will report.

The Clerk read as follows:

An act (S. 1051) to authorize and provide for the payment of the amounts expended in the construction of hangars and the maintenance of flying fields for the use of the Air Mail Service of the Post Office Department

Be it enacted, etc., That the Postmaster General is hereby authorized and directed to investigate, adjust, reimburse, and pay to municipalities and citizens found to be entitled thereto the proper and just amounts heretofore expended in the construction of hangars and the maintenance of flying fields, including the lease and clearing of fields therefor, insurance, and other necessary expenses incurred in connection therewith, at Reno, Nev.; Salt Lake City, Utah; Cheyenne, Wyo.; North Platte, Nebr.; and Omaha, Nebr., for the use of the Air Mail Service of the Post Office Department, where such hangars were constructed and such flying fields maintained under an understanding with a duly authorized officer or agent of the Post Office Department that reimbursement therefor would be made.

Sec. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$175,000, or so much thereof as may be necessary to carry out the provisions of this act.

Mr. BEGG. Mr. Chairman, I hesitate to take a chance on killing the day, but I notified the committee that I would not submit to the passage of this bill without a quorum. If the committee insists on calling the bill up, I am going to make a point of no quorum.

The CHAIRMAN. The committee has called it up.

Mr. BEGG. Then I make the point of no quorum, Mr. Chairman.

The CHAIRMAN. The Chair will count.

Mr. BEGG. Mr. Chairman, I move the committee do now rise.

The question was taken; and on a division (demanded by Mr. BEGG) there were—ayes 12, noes 38.

So the committee refused to rise.

Mr. BEGG. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Ohio makes the point of no quorum. The Chair will count. [After counting.] Sixty-eight gentlemen present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

#### [Roll No. 16.]

|                |                  |                   |                |
|----------------|------------------|-------------------|----------------|
| Ackerman       | Eagan            | Lehlbach          | Richards       |
| Anthony        | Fairchild        | Lilly             | Roach          |
| Arnold         | Fairfield        | Lindsay           | Robison        |
| Bacharach      | Favrot           | Linthicum         | Rogers, Mass.  |
| Barkley        | Fitzgerald       | Logan             | Rogers, N. H.  |
| Beck           | Fredericks       | Lowrey            | Rouse          |
| Beers          | Free             | Luce              | Sabath         |
| Bell           | Freeman          | Lyon              | Salmon         |
| Berger         | Fulbright        | McFadden          | Sanders, Ind.  |
| Bixler         | Fulmer           | McLaughlin, Nebr. | Sanders, N. Y. |
| Black, N. Y.   | Gallivan         | McLeod            | Schaffer       |
| Bloom          | Garber           | McNulty           | Schall         |
| Boles          | Garrett, Tenn.   | McSweeney         | Schneider      |
| Bowling        | Geran            | MacGregor         | Scott          |
| Boylan         | Gibson           | Madden            | Seger          |
| Brand, Ga.     | Gifford          | Martin            | Shallenberger  |
| Brand, Ohio    | Glatfelter       | Mead              | Sherwood       |
| Briggs         | Goldsborough     | Merritt           | Shreve         |
| Britten        | Graham           | Michaelson        | Sites          |
| Brumm          | Green            | Miller, Ill.      | Smithwick      |
| Buckley        | Greenwood        | Milligan          | Snell          |
| Burdick        | Griffin          | Mills             | Snyder         |
| Butler         | Hall             | Minahan           | Spearing       |
| Byrnes, S. C.  | Hammer           | Mooney            | Sproal, Ill.   |
| Carew          | Harrison         | Moore, Ill.       | Sproal, Kans.  |
| Casey          | Hastings         | Morin             | Stalker        |
| Celler         | Haugen           | Morris            | Stephens       |
| Christopherson | Hawes            | Newton, Minn.     | Stevenson      |
| Clancy         | Hill, Ala.       | Newton, Mo.       | Strong, Pa.    |
| Clark, Fla.    | Holaday          | Nolan             | Sullivan       |
| Cole, Ohio     | Hooker           | O'Brien           | Sweet          |
| Collier        | Howard, Nebr.    | O'Connell, N. Y.  | Swing          |
| Collins        | Hull, Tenn.      | O'Connell, R. I.  | Swoope         |
| Connally, Tex. | Hull, Morton D.  | O'Connor, La.     | Taber          |
| Connery        | Johnson, S. Dak. | O'Connor, N. Y.   | Tague          |
| Connolly, Pa.  | Johnson, Tex.    | O'Sullivan        | Temple         |
| Corning        | Johnson, W. Va.  | Oliver, N. Y.     | Tinkham        |
| Crosser        | Jost             | Paige             | Tucker         |
| Crowther       | Kearns           | Patterson         | Upshaw         |
| Cullen         | Keller           | Peavey            | Vare           |
| Curry          | Kelly            | Peery             | Ward, N. Y.    |
| Dallinger      | Kendall          | Perkins           | Weaver         |
| Davey          | Kent             | Perlman           | Weller         |
| Deal           | Kless            | Phillips          | Welsh          |
| Dempsey        | Kindred          | Porter            | Wertz          |
| Denison        | Kunz             | Pou               | Wilson, Ind.   |
| Dickstein      | Lampert          | Prall             | Wilson, Miss.  |
| Dominick       | Langley          | Quayle            | Winslow        |
| Doughton       | Larsen, Ga.      | Rainey            | Wolff          |
| Doyle          | Larson, Minn.    | Reece             | Woodrum        |
| Drane          | Lazaro           | Reed, Ark.        | Wright         |
| Drewry         | Lea, Calif.      | Reed, N. Y.       | Zihlman        |
| Driver         | Leach            | Reed, W. Va.      |                |

The committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 1051, finding itself without a quorum he had caused the roll to be called, when 218 Members answered to their names, and he reported the names of the absentees for entry in the Journal.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is hereby authorized and directed to investigate, adjust, reimburse, and pay to municipalities and citizens found to be entitled thereto the proper and just amounts heretofore expended in the construction of hangars



and the maintenance of flying fields, including the lease and clearing of fields therefor, insurance, and other necessary expenses incurred in connection therewith, at Reno, Nev.; Salt Lake City, Utah; Cheyenne, Wyo.; North Platte, Nebr.; and Omaha, Nebr., for the use of the Air Mail Service of the Post Office Department, where such hangars were constructed and such flying fields maintained under an understanding with a duly authorized officer or agent of the Post Office Department that reimbursement therefor would be made.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$175,000, or so much thereof as may be necessary to carry out the provisions of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Postmaster General is hereby authorized to adjust, reimburse, and pay to municipalities and citizens found to be entitled thereto the proper and just amounts heretofore expended in the construction of hangars and the maintenance of flying fields, including the lease and clearing of fields therefor, insurance, and other necessary expenses incurred in connection therewith: *Provided*, That title to such hangars shall be vested in the United States Government and that no further rental shall be paid for such hangars."

Mr. LAGUARDIA. Mr. Chairman, by direction of the Committee on the Post Office and Post Roads, I reported this bill for the consideration of the House. A like bill was introduced in the previous Congress, and the Members will find the hearings under H. R. 11723. The committee this year used the hearings held by the committee in the previous Congress, feeling that it was not necessary to recall various representatives before the committee another time. We did call the Second Assistant Postmaster General.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. BLANTON. I notice that so far in this session of Congress every bill that has come to the House from the great Committee on the Post Office and Post Roads has been reported by the distinguished gentleman from New York.

Mr. LAGUARDIA. Oh, no.

Mr. BLANTON. But they have been fathered on the floor by the distinguished gentleman from New York.

Mr. LAGUARDIA. No.

Mr. BLANTON. Who has had charge of other bills on the floor that come from the Committee on the Post Office and Post Roads?

Mr. LAGUARDIA. The gentleman from Iowa [Mr. RAMSEYER], and the gentleman from Ohio [Mr. MOORE] had charge of the bill we just passed.

Mr. BLANTON. I have seen the gentleman from New York sitting with the committee's secretary, and I am simply trying to get at the new change or transformation.

Mr. LAGUARDIA. The gentleman knows that the gentleman from New York attends to his duty and feels his responsibility as a member of the committee.

Mr. BLANTON. Oh, I commend the gentleman for being able to lead that committee.

Mr. LAGUARDIA. I do not lead the committee.

Mr. WATKINS. Does not the gentleman know that always on the return of the prodigal son they kill the fatted calf? [Laughter.]

Mr. LAGUARDIA. They did not open any bottle. [Laughter.] We called the Second Assistant Postmaster General before the committee and asked him what his views were at this time, he having previously testified, and he urged a favorable consideration of the bill.

Now, the bill provides for the reimbursement not only to cities but to individuals of certain expenditures made by them for the construction of hangars. This is what happened. Under the previous administration Colonel Jordan, who had the Air Mail Service in charge, went through the country to establish air mail routes. He had no funds. He was keen to get service throughout various cities along the route. He called upon chambers of commerce, upon municipalities, for assistance.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. BEGG. Is it true, or is it not, that not nearly half of the cities have asked for reimbursement for their donation to the Government?

Mr. LAGUARDIA. I would not say that that was correct.

Mr. BEGG. Is the gentleman in possession of the information as to how much this will cost?

Mr. LAGUARDIA. I am coming to that.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JOHNSON of Washington. Is not this a proposition to revive some new style of pork-barrel legislation?

Mr. DOWELL. Oh, it is even worse than that. [Laughter.]

Mr. LAGUARDIA. This is not pork-barrel legislation.

Mr. SMITH. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SMITH. I want to ask the gentleman if this bill has been referred to the Postmaster General?

Mr. LAGUARDIA. Yes; I am coming to that.

Mr. SMITH. Where is his response? It is not in the report.

Mr. LAGUARDIA. Yes; you will find it on page 3.

Mr. SMITH. It is not in the report I have.

Mr. LAGUARDIA. I beg the gentleman's pardon, we are considering the Senate bill. The complete report you will find with bill H. R. 3261.

Mr. SIMMONS. Are those reports available?

Mr. LAGUARDIA. Yes; if you will read the report on H. R. 3261, which is to be considered together with S. 1051, you will get the desired information.

Mr. SMITH. The report I have in my hand is a report by the gentleman from New York on the Senate bill 1051. What I wish to learn is the report of the Postmaster General on this bill.

Mr. LAGUARDIA. You will find it on page 3 of the report on H. R. 3261.

Mr. JONES. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. JONES. Were not all of these cities and towns anxious to make the donation in order to secure the route?

Mr. LAGUARDIA. No doubt about that.

Mr. JONES. Was any assurance given by the man who located the routes that this would be repaid?

Mr. LAGUARDIA. Yes.

Mr. JONES. What authority did he have to make that promise?

Mr. LAGUARDIA. He did not have any authority.

Mr. JONES. Did he go out and assume that authority?

Mr. LAGUARDIA. There is no question about that.

Mr. JONES. Is he still in the service?

Mr. LAGUARDIA. No. That was Colonel Jordan. He was employed under the previous administration.

Mr. RAKER. The gentleman has gone into the matter fully and is familiar with the facts—

Mr. LAGUARDIA. Oh, give me a chance to state them.

Mr. RAKER. Would the gentleman advise the committee now of the approximate amount that is claimed to be due—the total amount?

Mr. LAGUARDIA. Yes; if gentlemen will just give me about five minutes. Then I shall yield to Mr. LEATHERWOOD, the introducer of the bill.

Mr. RAKER. Is the gentleman going to give that information to the House now?

Mr. LAGUARDIA. Yes; right now. Colonel Jordan, representing the Post Office Department, went through the country and represented to individuals and municipalities that if they would erect hangars and flying fields, that as soon as the air-mail line was established, they would be reimbursed.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Not now. Just give me a chance. The service was established, and then the Postmaster General of the new administration found itself confronted with continued demands on the part of these individuals for reimbursement. And now, in reply to the question of the gentleman from California [Mr. RAKER], let me state the amounts claimed by these various cities. Omaha, Nebr., claims \$40,000—and I shall give only the round figures; North Platte, Nebr., \$14,000; Cheyenne, Wyo., \$15,000; Salt Lake City, Utah, \$18,000; Reno, Nev., \$41,000; Newark, N. J., \$7,000; Bellefonte, Pa., \$2,000; Cleveland, Ohio, \$10,000; Bryan, Ohio, \$1,000; Chicago, Ill., \$14,000; St. Louis, Mo., \$28,000; La Crosse, Wis., \$3,000; Minneapolis, Minn., \$20,000; Iowa City, Iowa, \$4,000; Rawlins, Wyo., \$2,000; Rock Springs, Wyo., \$12,000; San Francisco, Calif., \$40,000.

This is the difficulty that the Post Office Department finds itself in. The hangars are the property of these individuals. The fields are being leased by the Government. If there is a leakage in a hangar, we can not make the repairs and our equipment is exposed to the weather. If we have to make any alteration, any addition, we can not do it, so that the department felt that it could rid itself of this annoyance by being given authority not to pay these full amounts but to make settlements all along the line.

We provide in the bill that no settlement should be made unless the Government took title to the property. That would in itself, I believe, entirely answer the suggestion made by the

gentleman from Iowa [Mr. DOWELL] that this is a "pork-barrel" proposition, because this is not giving something and getting nothing, but it is getting property in each instance where settlement is made.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BUSBY. Is it not a fact that it has developed that a number of these places are out of line with the project of the Government to develop the Air Mail Service, and that they want to get paid for this before they are definitely abandoned by the Government?

Mr. LAGUARDIA. Yes; but if my colleague will read the bill he will see that we do not provide for those places in the bill, and it is not contemplated to make any settlement except for the property that we are actually using.

Mr. BUSBY. Why not limit in the bill the places that are to be settled with.

Mr. LAGUARDIA. The gentleman can see the difficulty about that. That is exactly what the Senate bill does. At the suggestion of the Second Assistant Postmaster General we authorize the Postmaster General to carry on negotiations for settlement in such cases as he deems necessary for the protection of the service. He will settle in such places where he is actually using the property for the protection of Government property.

Mr. BUSBY. Is it not the intention of all these places, some of which have never claimed or asked for settlement of expenditures made back from the beginning down to the present time, to come in and present their claims for settlement before the places are definitely abandoned as a part of the plan for carrying on the Air Mail Service?

Mr. LAGUARDIA. Not at all. The gentleman should know better. This does not legalize the claims. It simply vests the Postmaster General with authority to make such settlement as he deems necessary.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RAKER. The gentleman has stated approximately the amounts claimed. There is this provision in the bill:

That title to such hangars shall be vested in the United States Government and that no further rental shall be paid for such hangars.

Will the gentleman advise the committee what is the estimated value of these hangars as presented to the committee, so that we will then have the total amount that is claimed and the total value of the property to be turned over to the Government?

Mr. LAGUARDIA. It was estimated that \$175,000 would be sufficient. That was in the previous Congress. I believe that the Postmaster General can make settlements for much less, and that he would not use more than perhaps \$100,000.

Mr. RAKER. The gentleman does not get the question. What is the estimated value of the hangars that will go to the Government under this bill?

Mr. LAGUARDIA. This is just the value of the hangars, and we figure that perhaps within \$100,000 we can acquire the hangars we are using now and be free to make the necessary repairs and have title to the property, and not be simply a tenant at will. We are renting the fields. This does not include the fields.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WAINWRIGHT. What is the estimated value of the real estate, the fee to which will be conveyed to the Government, provided they make these payments?

Mr. LAGUARDIA. There is no real estate involved.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JONES. Does the Post Office Department contemplate sending Colonel Jordan out to make these settlements?

Mr. LAGUARDIA. The gentleman will have to ask Mr. Burleson about that. He was your man, not ours.

Mr. JONES. I am talking about the man who did it.

Mr. LAGUARDIA. No.

Mr. JONES. What service was he in—in the Army?

Mr. LAGUARDIA. No.

Mr. JONES. Then why was he called a colonel?

Mr. LAGUARDIA. Oh, the gentleman knows that there were a lot of Washington colonels created during the war.

Mr. JONES. I understand; but I want to know what became of him.

Mr. LAGUARDIA. I do not know where he is. He is not in the Government service.

Mr. JONES. Did the committee have him before it at the time of the hearings?

Mr. LAGUARDIA. The previous Congress did.

Mr. JONES. Did the gentleman's committee have a quorum present when this bill was reported?

Mr. LAGUARDIA. When the bill was reported, of course; when the bill was reported we had a quorum.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The gentleman from New York stated a while ago that when the money was paid out the Government would take title. The gentleman from New York was asked as to the value of the property, the land that would be taken, and the gentleman stated that there was no land.

Mr. LAGUARDIA. No real estate.

Mr. BLANTON. But there is property situated on somebody's land, for the use of which somebody can charge rental.

Mr. LAGUARDIA. We are under lease for the land.

Mr. BLANTON. And if we give them up when we pay for them, and establish a straight line instead of a roundabout one, we shall get no benefit whatever for these hangars that we are asked to pay out this unlimited amount of money for.

Mr. LAGUARDIA. It is not an unlimited amount of money.

Mr. BLANTON. The gentleman will remember that the amount in the bill was fixed at \$175,000, and his committee cut that out and put in no limitation whatever.

Mr. LAGUARDIA. Because we considered the \$175,000 too much.

Mr. BLANTON. The Postmaster General could expend \$175,000,000 under this bill.

Mr. LAGUARDIA. Where is he going to get the money?

Mr. BLANTON. You will authorize him to make settlements and give him unlimited authority. I have seen these settlements made, and I have seen Congress always pay the Government's debts when the settlements are made.

Mr. LAGUARDIA. Let me explain. It would be very costly for the Government to go out and buy all the land necessary for landing fields. As the gentleman knows, a landing field must be rather large, and it must be in close proximity to a city, and the purchase of such land would be very costly. Now, they have been able to negotiate very satisfactory leases for the use of these landing fields.

I may say that it is indifferent to me what you will do about this bill, but the Post Office Department is in this predicament. They have the land, but they are simply tenants at will. As to these hangars, they are not authorized to pay a penny on them, and some of our equipment is not properly cared for on account of the condition of these hangars.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. VAILE. Can these hangars be removed, if we abandon these fields, without great expense?

Mr. LAGUARDIA. Oh, there is always expense, as the gentleman knows.

Mr. VAILE. Would we not be in the same situation as we were in after the war when we would have to abandon expensive buildings or sell them for a song?

Mr. LAGUARDIA. I think we have had some lessons in that line from our experience in the war concerning aviation.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. FRENCH. Can the gentleman tell us what the terms of the leases are?

Mr. LAGUARDIA. I have them here.

Mr. FRENCH. Are they for 10 years or 50 years or what period of time?

Mr. LAGUARDIA. They are short-time leases. I have them here. They are not long leases.

Mr. FRENCH. I think the Members of the House ought to know, because it is of great importance, whether or not we are going to spend \$175,000 or any sum of money for hangars and buildings on land under short-time leases. If we had long-time leases, or if we owned the land, it would be a different proposition. But if the leases run for short periods of time I submit it is a dangerous proposition to authorize the acquisition of hangars or other buildings upon the lands as may be done under the bill before us.

Mr. LAGUARDIA. I took that matter up with the Second Assistant Postmaster General, and I can understand the gentleman's feeling in the matter. It is difficult, let me say to the gentleman, to get long-term leases on land situated as is required for the landing fields. Frequently we will have to acquire permanent landing fields. But, as the gentleman knows, up to a few days ago the Air Service was simply a year-to-year proposition carried on an appropriation bill. The Post Office Department could not go out and acquire the land necessary for landing fields when the service was not permanently estab-



lished. But we passed a law here a few days ago, and if the Senate passes it the Postmaster General will then know that the Air Service is something permanent, and he can make necessary preparations and go out and make long-term leases. But no Postmaster General can go out and make long-term leases and acquire land when he is conducting only a temporary proposition from year to year.

Mr. FRENCH. Does not the gentleman think we should await action by the Senate before undertaking to consider a bill of this kind? My attention has just been called to the last paragraph of the bill, with the suggestion that the title of the land under the last proviso would pass to the Government. That is obviously incorrect, and the gentleman, who speaks for the committee, did not make the statement. I call the attention of the Members of the House to the fact that under the proviso the Government may acquire only the hangars and other buildings and not the land.

Mr. LAGUARDIA. We are not pretending anything else.

Mr. FRENCH. Will the gentleman bear with me a moment further? I submit we are proceeding too fast in the matter of authorizing the acquisition of hangars and property to be placed on the land when we have no general law under which long-time leases or ownership of the land may be acquired.

Mr. LAGUARDIA. I have stated the circumstances under which leases are entered into by the Government, and also the difficulties that the Postmaster General was confronted with.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes; but let me finish the reply, if the gentleman will listen to it. The Postmaster General has looked into that and has reasonable assurance—and he can not have anything more—that he will be able to extend these leases. That is all any man can get.

Mr. FRENCH. Does not the gentleman know that when he goes from the Capitol Building to the Union Station, two or three blocks, he sees advertisements for the sale of land on which the Government has spent thousands and thousands of dollars in the erection of buildings? We built those buildings during the war and had no reasonable assurance when those buildings were built touching the time they would be occupied.

Mr. LAGUARDIA. The gentleman is in error. We had no such assurance, and some of us resisted the spending of the money at the time.

Mr. FRENCH. That is what I say, and the case is on all fours with the present proposition.

Mr. LAGUARDIA. We have such assurances.

Mr. FRENCH. Are they in contract form?

Mr. LAGUARDIA. They are not in contract form.

Mr. BLANTON. They are confidential with the committee?

Mr. LAGUARDIA. No; they are not with the committee.

Mr. FRENCH. Then what is the nature of the assurance? It seems to me we are going too fast with this part of the program. If we are going to acquire hangars, first of all we should acquire the land under long-time leases or by the acquisition of title to the land itself.

Mr. LAGUARDIA. Let me say something to the gentleman, who is an expert on naval affairs. I understand that the Navy Department, for which the gentleman is spokesman on the floor from time to time, had title to certain very valuable lands, but notwithstanding that they gave up that title.

Mr. RAKER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RAKER. Could the gentleman tell the committee whether or not these leases permit the lessees to sublet or lease the property?

Mr. LAGUARDIA. The leases are now direct with the Government.

Mr. RAKER. The Government has leases on the land?

Mr. LAGUARDIA. Yes.

Mr. RAKER. The Government now holds the leases on the land?

Mr. LAGUARDIA. Yes; exactly.

Mr. WAINWRIGHT. What about the removal of the buildings?

Mr. LAGUARDIA. There is no question about the removal of the buildings.

Mr. RAKER. Then are the hangars and other fixtures such that they are a part of the realty?

Mr. LAGUARDIA. Exactly.

Mr. RAKER. Is that right?

Mr. LAGUARDIA. Of course, under the law they would be a part of the realty.

Mr. RAKER. Then they can not be moved?

Mr. LAGUARDIA. They can not be moved by the Government, but I understand the Postmaster General has reserved the right to the title of the hangars in the leases; in other

words, that if the leases terminate I believe the Postmaster General can, in his settlement, reserve the right to remove the hangars.

Mr. RAKER. Is there a provision in the leases to the effect that when the leases expire the Government can remove the hangars?

Mr. LAGUARDIA. No; and there could not be any such provision, because we do not own the hangars now, and that is what we are trying to get around; but in the event of a settlement, he would take title to the hangars and reserve that right for the Government.

Mr. RAKER. The hangars belong to private individuals now?

Mr. LAGUARDIA. Yes.

Mr. RAKER. The land belongs to a private individual, say, B?

Mr. LAGUARDIA. Exactly.

Mr. RAKER. The Government has a lease on the land?

Mr. LAGUARDIA. Yes.

Mr. RAKER. That is funny.

Mr. LAGUARDIA. Of course it is. It is a very peculiar legal situation to be in.

Mr. JONES. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JONES. I notice in the hearings the report of the inspector to the effect that the Air Mail Service made no official agreement that the individuals or organizations contributing to the establishment of these air mail stations were to be repaid, and, according to the inspector's report, when the matter of remuneration was first brought up by the individuals or organizations desiring such remuneration Mr. Jordan, in writing, officially denied that he had ever made the promises attributed to him in the affidavits, and the report further states that there are no communications in the files supporting these claims. Now, what evidence has the gentleman, outside of the evidence of the people who are interested, that any such promise was ever made? It seems that Mr. Jordan denies it and the inspector denies that there was ever any such authorization or agreement. Now, what proof is there?

Mr. LAGUARDIA. Mr. Jordan went from place to place, made public statements in the press and made such assurances publicly, and there is not the slightest doubt that he left these people under the impression that they would be reimbursed. Of course, he had no authority, and I do not believe any Member here questions that.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BEGG. I would like to ask the gentleman a serious question for his interpretation. When this route was proposed to be established there was more or less rivalry between the cities near the proposed route. Mr. John J. McInerney, commissioner of finance of the city of Cheyenne, testified, and my question is: What interpretation does the gentleman put on this statement and whether it was not a direct contribution by the city without expectation of remuneration? Mr. McInerney, the financial man, testified:

Mr. Jordan, apparently for the purpose of stimulating interest, set forth that the city of Laramie, Wyo., would doubtless be interested in the event Cheyenne declined to meet the requirements.

Now, does not the gentleman interpret that—and all the testimony is that way—to mean that these cities were vying with one another in raising a campaign locally for the purpose of getting funds to buy fields with the idea of getting the United States to establish an air route?

Mr. LAGUARDIA. There is no doubt about that; I want to say to my colleague from Ohio, but yet—

Mr. BEGG. If the gentleman concedes that, then he can add his "but yet" later and let me ask him one more question.

Mr. LAGUARDIA. No; let me complete my answer. But that does not relieve us of the situation in which we find ourselves, with valuable Government property in buildings on which we are not authorized to spend one cent for the necessary repairs and maintenance.

Mr. BEGG. The United States can extricate itself from that without difficulty through some other procedure than this.

Mr. LAGUARDIA. How? If you will appropriate a couple of hundred thousand dollars to build hangars and put that amendment in the bill, I will vote for such an amendment right away.

Mr. BEGG. Let me ask the gentleman my other question. If the city that was successful in the competition with other cities, and secured hangars and landing fields, is entitled to compensation from the Government, is not the city that tried

and failed entitled to damages? One is just as reasonable as the other.

Mr. LAGUARDIA. Well, I am not going to pass upon the good sportsmanship of any city, but I am interested in protecting the equipment we have, and we are taking good care of that equipment and we need it to be in safe buildings; it ought to be properly protected from the elements, and we must maintain and repair those buildings, and that is the proposition in which I am interested.

Mr. DOWELL. These buildings were erected by private individuals?

Mr. LAGUARDIA. Yes.

Mr. BEGG. And they refuse to let the Government repair them?

Mr. LAGUARDIA. The gentleman knows the Government can not do that.

Mr. DOWELL. Is it not a fact that the cities made small contributions and that the larger contributions were made by individuals?

Mr. LAGUARDIA. Yes.

Mr. DOWELL. And those contributions were made for the purpose of getting landing fields?

Mr. LAGUARDIA. There is no doubt about that.

Mr. DOWELL. They got the landing field which they paid for, and now the gentleman wants to reimburse them and does not make any argument for anything in the future.

Mr. LAGUARDIA. The gentleman wants to protect Government property; that is all. If you can find a way out of it, I will go with you.

Mr. DOWELL. I want to protect the Government Treasury instead of the hangars that were bought by the other people.

Mr. ROSENBLOOM. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ROSENBLOOM. In direct connection with this proposed legislation, does not the gentleman believe the time has arrived in our advancement when Uncle Sam should get a hair cut and a shave, because not only in the United States but throughout the world they seem to mistake him for Santa Claus, and I think it is about time we gave him a hair cut and a shave.

Mr. RAKER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RAKER. The gentleman having explained about the leases, the Government holding them, will the gentleman tell the committee who built these hangars?

Mr. LAGUARDIA. These private individuals, chambers of commerce, clubs, and so on.

Mr. RAKER. Did they not contribute the money and the Government build and supervise them?

Mr. LAGUARDIA. I do not think so.

Mr. RAKER. That is an important proposition here.

Mr. LAGUARDIA. I am quite sure about that.

Mr. RAKER. Is it not true that the city contributed the necessary amount of money and the Government superintended and built the hangars on the land that the Government had leased, taking the lease in its own name?

Mr. LAGUARDIA. I think we supervised it, but, of course, we did not build them. We did not have the funds to build them at all.

Mr. BLANTON. Will the gentleman yield for one question?

Mr. LAGUARDIA. I yield to the introducer of the bill.

Mr. BLANTON. For just one question. The report filed by the distinguished scouting ace of the official flying service of the Republican steering committee shows that the inspector claims, as was shown here a moment ago, that there was no assurance given by anyone representing the Government, Mr. Jordan or anybody else, that they would be reimbursed. If the gentleman has any other information bearing on that question, does not the gentleman think it is due to the House and to the committee that is now considering the bill that the gentleman should furnish the evidence?

Mr. LAGUARDIA. Certainly.

Mr. BLANTON. The gentleman has not done that.

Mr. LAGUARDIA. The gentleman will find it in the hearings on H. R. 11723.

Mr. BLANTON. Oh, when we take up a bill here we are supposed to go on the hearings furnished with the bill, and the gentleman has not furnished us with those hearings.

Mr. LAGUARDIA. I explained in my opening remarks that we used the hearings of the previous Congress. Some of these people have had to travel a long way. The hearings were still fresh and we proceeded on those hearings. We then called the Second Assistant Postmaster General and brought them up to date.

Mr. BLANTON. Would the gentleman be kind enough to give us the name of one witness, outside of the claimants themselves, who will testify of any representations made on the part of the Government; just one witness?

Mr. LAGUARDIA. I have stated, in reply to the gentleman from Idaho [Mr. FRENCH] that it was pretty common knowledge at the time Mr. Jordan traveled throughout the country.

Mr. BLANTON. It was rumored.

Mr. LAGUARDIA. No; it was not a rumor.

Mr. BLANTON. It was hearsay.

Mr. LAGUARDIA. It was more than hearsay. It was established—it was history.

Mr. BLANTON. Well, it ought to be definite testimony.

Mr. LAGUARDIA. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York reserves 28 minutes.

Mr. BEGG. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. BEGG. I ask recognition in opposition to the bill.

The CHAIRMAN. Is there a member of the Committee on the Post Office and Post Roads opposed to the bill who claims recognition?

Mr. ROMJUE. Mr. Chairman, I am opposed to the bill, but if the gentleman wants to speak in opposition to the bill now, I will yield.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri for one hour.

Mr. ROMJUE. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I think it is probably unnecessary to spend any time presenting the merits of this proposition, because I fail to find any merits.

The Post Office Department wanted to experiment in the establishment of Air Mail Service. Congress has not made a sufficient appropriation for that purpose. They let it be known that if they could get landing fields, and in some places hangars, they would make the experiment through a particular city. According to the testimony of the claimants, and that is the only testimony we have here supporting the bill at all, in every single statement of the claimants they all say that the representative of the Government, the main representative being a certain Colonel Jordan, stated the Government was without funds, and that the only way the city of X, for instance, could have a postal service through the air was for that city of X to furnish the Government with a free landing field and hangar.

Rivalry existed between all the cities in proximity to the proposed route, and each city made an effort to put on a campaign to raise funds by various and divers methods. Some of them were popular campaigns. Everyone of us has been in such campaigns. They invited this Colonel Jordan to speak during several of the campaigns, and in his speeches, each and every time according to the testimony, he specifically stated that the Government had not appropriated any money for the purpose of buying fields and building hangars, and if the city wanted the route through its particular limits it would be compelled to furnish such facilities, and one city's possibility of securing the station was used as an inducement to spur on the other city, as evidenced by the testimony that I read to the gentleman from New York [Mr. LAGUARDIA] with reference to Cheyenne and Laramie, Wyo., in one of the campaign speeches to raise funds by popular subscription.

These funds were raised in this way, usually headed by the chamber of commerce, and the same kind of argument was used. Not a single place that I can find—and I am frank to admit I have not had a chance to review all the testimony this morning, not expecting the bill to come up—but in not a single instance, according to my memory and from what I have been able to review, can you find where a Government agent made a contract verbally binding this Government to compensate the people for their donation.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BEGG. No; I can not yield in 10 minutes. The gentleman has more time, and if he will grant me some of his time I will be pleased to yield.

Mr. LAGUARDIA. I yielded to the gentleman.

Mr. BEGG. I yield to the gentleman. I do not want to be discourteous; but I only have 10 minutes.

Mr. LAGUARDIA. The gentleman knows that no agent of the Government could possibly go out and make any kind of agreement that would bind the Government.



Mr. BEGG. I understand that, and I stated that there was not even a verbal agreement.

I would now like to read to this committee the kind of agreement that was entered into by the Government, the consideration being \$1 a year:

During the course of the investigation it was disclosed that Mr. John A. Jordan entered into a written agreement with the community of Reno, including city and county officials in their official and personal capacity, and as quoted in full in the affidavit of Mayor Stewart, this agreement definitely sets forth that the field and hangar would be provided at the expense of the community and for the use of the Post Office Department and the consideration for this grant, to be paid for by the Post Office Department, is \$1 for the first year and \$1 for each succeeding year for a period of at least five years.

Now I submit that if a manufacturing establishment—and this used to be indulged in more or less—came to a city on a contract that if they would come to that city and establish their factory and operate the factory the city should donate them 10 acres of land tax free, there is not a court in the world that would hold that that city could come in and collect from that corporation reimbursement or assess taxes against it. That is our problem here—the identical problem. The cities contributed this gift for the consideration of the establishment of an air-mail station, and when the Government established the air-mail station I submit that we complied with all the elements in the contract. [Applause.] I am frank to say that wherever that happened I think the good faith of the city that comes and asks us for reimbursement is at question.

Mr. COLTON. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. COLTON. Does the gentleman maintain that the city should keep the hangars in repair?

Mr. BEGG. No.

Mr. COLTON. This bill seeks to make it possible that they should keep it in repair.

Mr. BEGG. If that is all they want, that the Postmaster General should spend the money to improve the hangars to keep out the rain, I will tell you a simple way to do it—transfer the title to all the ground to the United States Government for the consideration of \$1; then we will repair them—but this is the most unfair proposition to my mind that I ever had referred to me.

Mr. NELSON of Wisconsin. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. NELSON of Wisconsin. Does the bill authorize reimbursement for all these fields?

Mr. BEGG. Yes; for the field, the hangar, and all expenses that the Postmaster General or the Post Office Department shall decide to pay. In other words, if we pass the bill, as far as you and I are concerned, they can pay Omaha, Reno, Cheyenne, and these other cities. I do not have a station in my city, but I could get the land for the Government without any strings tied to it.

Mr. BLANTON. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. BLANTON. Answering the gentleman from Utah [Mr. COLTON], he will find in the Post Office Department files leases for five years of offices for which the United States pays a dollar a year, where they not only furnish the building but every bit of equipment and furniture and keep them in repair, buildings where they could rent them to outside parties for \$3,000 or \$5,000. They ought to keep them in repair.

Mr. BEGG. There might be a bill drawn that I would not object to. I think the Post Office Department has in a few instances, not many, incurred moral obligations for a sum of money; but, as I say, this bill was called unexpectedly, and I can not find the testimony that I had last session. Now, if the statement I am about to make is not accurate, I will stand for a correction. According to my best memory, the few cities that were entitled to make a claim made their claims, and after they made their claims then these other cities all came in on the same ground when they did not have a single reason to ask for the return. Some cities that are being provided for in this bill have not even asked to be reimbursed. That is according to my best memory of the testimony.

Mr. SIMMONS. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. SIMMONS. In the latter part of the report the Postmaster General's statement is—

H. R. 3261, introduced by Mr. LEATHERWOOD, provides for reimbursement at Reno, Nev.; Salt Lake City, Utah; Cheyenne, Wyo.; North Platte, Nebr.; Omaha, Nebr., or elsewhere, where such hangars were constructed and such flying fields maintained under an understanding

with an officer or agent of the Post Office Department that reimbursement therefor would be made. This bill appropriates the sum of \$175,000 or so much thereof as may be necessary to carry out the provisions of this act.

These are covered by this bill.

Mr. BEGG. They are all covered by the bill.

Mr. ROMJUE. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Gentlemen of the committee, this is not a peculiar situation that we have before us, nor is it a new one. We all very well understand what enthusiasm can be aroused in a community when it is begun to be affected by any improvement. Just a few years ago, when it was first suggested that the Air Mail Service was going to be established in the United States, all the cities that thought it was possible to secure recognition and a station on the route got busy, and chambers of commerce got busy, and they stirred up the people, and they were glad and willing to provide certain facilities for a stop or station at their particular place. So they all started, in many instances and in various places, not at all according to any plan that was provided or worked out by the Post Office Department, but in a promiscuous sort of a way. They went about the proposition establishing what they conceived to be a necessary equipment for the station if the route should happen to be directed in their way. So they leased land and put forces to work grubbing off the stumps and did other things necessary to the establishment of this particular station at these places.

We have gone along, and the Post Office Department has somewhat developed a continuous plan for supplying air mail service. It now develops that a great many of these places are not in line at all with the project now being put forth by the department; and as shown by the information elicited just a moment ago from the gentleman in charge of the bill, we learn that some of these places are now being abandoned as unnecessary stations for the Air Mail Service. It is quite natural that they should come in here, since a bill has been introduced asking for authority to appropriate money out of the Federal Treasury to repay certain communities amounts they have expended, and this from the very initiation of the project. What does the bill provide? It says:

including the lease and clearing of fields therefor, insurance, and other necessary expenses incurred in connection therewith.

It will be seen, therefore, that it goes back to the beginning of the establishment of any of these fields and on down the line. It includes insurance and the other expenses that were put out by these people or by the chambers of commerce or by the cities where they appropriated the money to supply the hangar, as the case might be. I am not surprised at their coming to the Government and asking that the Government take over these propositions—useless to the Government, of course, in a number of instances; but as a Government we are able to pay, and they have no compunction of conscience about coming and asking us to include these other cities which got the benefit of the boost and the development incident to the establishment of the air mail. They now say that we should pay them back all that they have spent from the very beginning. I am opposed to any such proposition, and I gather from the sentiment expressed on the floor of the House that a large majority of the membership is opposed to the proposition. It is not a good business proposition. As the gentleman from Ohio [Mr. BEGG] just explained in detail, they have no legal claim; they got all they contracted for, all that was expected by them. Why should they now come in here and say that they want us to pay them back all this money after they got the benefit they expected?

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. SIMMONS. If a representative of the Government comes and says that if certain conditions are met there is no question in his mind but that the Government will pay for that which is received, is it right for the Government to keep what it gets and say that it will not pay, even though the man that got it for the Government said that the Government would?

Mr. BUSBY. I believe that the Government ought to pay for what it contracts to pay. I do not believe that men should go about over the country presuming to bind the Government without legal authority. I do not believe that we as representatives of the Government should stand behind propositions that have never been authorized. The rules of the House recognize that, because we can not incorporate an amendment into an appropriation bill making an expenditure that has not been expressly authorized by law.

Mr. SIMMONS. But the Government has kept what it got as the result of an unauthorized act on the part of an agent, and now refuses to pay.

Mr. BUSBY. I do not know anything about what the Government has that it got in that way. If it has, then I am in favor of turning it loose. When we work out a plan for establishing the Air Mail Service and it has been passed on by the proper authorities, I am in favor of our getting behind it and paying the expenses of it, but not before.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. MOORE of Virginia. Is it not a fact that in the last Congress a bill similar to the one we are now considering was before the Post Office and Post Roads and was referred to a subcommittee? Is it not a further fact that the subcommittee reported to the full committee recommending that the bill be laid on the table?

Mr. BUSBY. That is my understanding.

Mr. MOORE of Virginia. And that the subcommittee based its conclusion upon the very testimony that has been referred to here this morning? That subcommittee was strongly made up, consisting of Representatives KELLY, HARDY, RAMSEYER, SMITHWICK, and BOWLING. It seems to have been the unanimous opinion of the subcommittee that the bill ought not to receive favorable consideration.

Mr. BUSBY. I have been a member of this particular committee only about a week, and I am not advised as to what was done before I became a member of it.

Mr. TINCER. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. TINCER. Is not the principle involved in this bill one that would justify a citizen, if the bill should pass, in contracting with a post-office inspector to build a post office on the assumption that Congress would subsequently authorize the Postmaster General to pay for it?

Mr. BUSBY. I think the gentleman is right.

Mr. SIMMONS. And if the post-office building was constructed under the circumstances that the gentleman from Kansas recites and the Government accepted it and used it, then ought not we to pay for it?

Mr. BUSBY. I do not know of any such instance. Simply because we are either abandoning these propositions where the community has erected a hangar and where leases have expired or are of short duration, it strikes me that we are under no obligation in connection with the matter. We can not be forced into a situation that we do not want just because somebody presumes on our good nature.

Mr. LA GUARDIA. Where does the gentleman get the information that it is contemplated to pay for hangars that we are not using?

Mr. BUSBY. This bill is a blanket proposition. The limit in this bill is the sky and the extent the Treasury of the United States can supply funds.

Mr. LA GUARDIA. Does the gentleman know that it is expected to make these settlements out of existing appropriations, and not come in here and ask for additional appropriations?

Mr. BUSBY. I do not know that, nor do I know that it is expected that the Government should stand behind every proposition that some subordinate in the Government goes out and says the Government shall pay for, when he has no authority to do such a thing. [Applause.]

Mr. LA GUARDIA. Does the gentleman know that this House authorized hundreds of millions of dollars of settlements on contracts of just that kind?

Mr. BUSBY. I know that, and I know further that every time the Congress makes a blanket authorization such as is proposed in this bill the Government gets the hot end of it; and the gentleman knows it, too.

Mr. SIMMONS. When a community accepts the unauthorized act of a Government agent, ought not the Government to pay for it? The Government is accepting the use of the hangar out in my country.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, this seems to be another illustration of the general tendency here to encourage the people of the country to rely upon the Federal Government for everything. It is in discouragement of personal initiative and individual effort. If such things as this continue to go on, after a while the people will not want to walk from their homes out to the road to get their mail.

This is what happens down in our country sometimes when a community wants a new rural route established. The in-

spector goes over it and says, "Well, there is too poor a bridge over this creek, and there is too bad a road over this hill; but if you fellows will warn out the workers and fix the bridge and fix the road and keep it fixed, we will recommend the route." Then the people go out with their plows and scrapers and hoes and shovels and hammers and nails and improve the road and repair the bridge, and then the route is established. If this bill should go through, we would find those people coming here with a bill, asking to be reimbursed for that which they have voluntarily contributed to the Government.

Why, gentlemen, people used to do something for themselves. All the old monuments and statues in this city were erected by individual subscriptions. Go up Pennsylvania Avenue and you will see there a marble monument to old Benjamin Franklin, one of the founders of the Republic and one of the promulgators of republican principles throughout the world. It is now crumbling through the wasting processes of time and weather. You will see that that monument was donated to the National Capital by an individual citizen. If you will read this morning's papers, you will see that the Secretary of State has recommended the appropriation of a thousand dollars to buy a replica of the Houdon statue of George Washington to be placed down in the Pan American Building.

Times have changed. The incomparable monument to George Washington was fathered by individual subscriptions at the outset, and Edward Everett, the preeminently eloquent orator, went through the country with a spirit of patriotism and tongue of flame asking the people, who then were comparatively poor, to raise such a monument to the Father of his Country, and the people raised something over \$250,000. Finally the monument was finished by congressional appropriation.

The gentleman from New York [Mr. LA GUARDIA], who was the chief spokesman for the committee here, said that his sole interest is to preserve the property of the Government from deterioration while it is lodged for a day or two in these hangars. I would suggest to him a way in which it may be done without the appropriation of a single dollar. Convey to this city of Cheyenne, or whatever other name the city has, this suggestion, that if the city does not keep in order the hangar that is put there as the result of the contest between that city and other cities on the great transcontinental route another route will be opened there and some other city will get the landing field. No doubt the fact that the cities are included in that transcontinental route is printed on the letterheads of the chamber of commerce of each of those cities. No doubt it is a big asset to all these cities. It is one of the boosting features. At every meeting of the boosters' club the members doubtless boast about the participation of the city in the transcontinental mail route. Just tell them that if they do not stop the leaks in the roof they can no longer boast of their participation.

Mr. LA GUARDIA. Suppose they call our bluff. What then?

Mr. McSWAIN. Then we will put it at Laramie, under a bond that they will keep it in order; and if they do not keep it in order, then we will skip Laramie and go somewhere else.

Mr. LA GUARDIA. It is necessary to understand that they must have a landing field.

Mr. McSWAIN. If they do not want the air mail, then they can go without it. Other cities are begging for air mail service and are willing to foot the bills for landing fields and hangars.

Mr. LA GUARDIA. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. DOWELL].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. DOWELL. Mr. Chairman, this bill by its terms provides only for the reimbursement to those who have made contributions for the landing field of the Air Mail Service. It makes no provision whatever for any program or plan for the future of the Air Mail Service.

These contributions were made by the citizens of these various cities who desired the Air Mail Service, and while the bill provides for adjustment and payment to "municipalities and citizens found to be entitled thereto" I doubt if any city government appropriated money for this purpose. Anyway, the gentleman from New York [Mr. LA GUARDIA] has answered that most of these were private subscriptions. The Postal Department evidently understood that these contributions for the landing fields and hangars were made for the purpose of securing these landing fields in these various cities. I quote from the speech of Congressman Jefferis, from the State of Nebraska, on the 8th of January, I believe it was,



of 1921, where he quotes from the report of the Postmaster General; and I read as follows from that speech:

What is the fact in regard to the Air Mail Service?

That was the question then before the House, and Mr. Jefferis from Nebraska was attempting to show that the Government should continue to appropriate money for the carrying on of the Air Mail Service. He continued:

It is not propaganda in favor of it that is being put forth, as I understand it, but an earnest desire is being expressed by the business men of the great commercial centers of the United States. If you will refer to the report of the Postmaster General you will find that different cities of the country are raising or have raised, through subscriptions, large sums of money for the purpose of furnishing to the Postal Department landing fields and hangars for the operation of these air mail planes. In the city of Omaha, the report says that the commercial interests have cooperated splendidly with the Air Mail Service by furnishing a large landing field, and perhaps the largest civilian hangar in the United States.

The report of the Postmaster General in 1921, if Mr. Jefferis was correct, had no understanding that the Government would be called upon to reimburse the men who had furnished these fields for the purpose of operating the Air Mail Service.

It seems to me that at least in the interest of the Treasury of the United States Congress should accept the situation as it was evidently understood by the Postmaster General in 1921—that these were donations for the purpose of establishing mail routes through certain cities. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ROMJUE. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BLANTON. Mr. Chairman, during the war, when cantonnments and various fields in the service were being established by the War Department, you found cities everywhere clamoring for recognition. They were offering to the Government every kind of an inducement imaginable to place an enterprise in their locality. They were offering great bodies of land and various other improvements connected with it absolutely free of charge. Why? They wanted the Government's money expended in their community on a Government enterprise, so they could profit by it financially.

Every time the State of Texas establishes a new normal school or other State college the legislature advertises for bids by various communities, and those communities raise funds by popular subscription among their citizens and offer so many acres of land—sometimes hundreds of acres and sometimes even into the thousands—to get the State to put that particular school in their community, because they want to profit by the expenditure of public funds in their community.

And when the Postmaster General was thinking about running this air mail service across the continent various towns and communities were interested in getting stations, and they made overtures to the department and said that the people would donate such and such property and make such and such an inducement for the Government to come there. You had rivalry between these cities. The Government accepted various of their propositions and went their way, and now, because the Government sees fit to go some other way, they want the Government to come in and pay for it.

Why, right now down in the Postmaster General's department you will find contracts with some of my constituents who furnish to the Government post offices at a dollar a year, where the post office, all the furniture, all the fixtures, and all the lock boxes, if you please, are kept in repair at the community's expense for so many years at a dollar or some other nominal consideration a year.

Are those buildings leaking? If they are, the Postmaster General says "You get busy and fix that roof; don't you let any more water come in," and they have to do it. For all of that they get \$1 a year. Why do we not reimburse them for some of those leases? If they could get rid of the Government just now, some of those leases could be made for several thousand dollars profit in oil towns where there is a great demand for buildings. But the community and the parties in interest are tied up by a contract with the Government for \$1 a year.

Of all the ridiculous bills that I have seen come on this floor in the eight years of my service, whose enacting clause should be stricken out more than any other, this particular bill ought to have that kind of a surgical operation performed on it in a few minutes. I think the gentleman from New York [Mr. LaGuardia] ought to make that motion to strike out its enacting

clause. [Laughter.] I do not think this kind of a bill really appeals to him. If you could put your fingers on his bosom now and feel the real articulation of his heart throbs, I think you would find they would beat the other way and be against this bill. It is taking money out of the Treasury when it ought not to be taken out. It ought to stay there.

Mr. WEFALD. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WEFALD. Does not the gentleman think that when the Committee on the Post Office and Post Roads has left it to the gentleman from New York [Mr. LaGuardia] to champion this bill on this floor—

Mr. BLANTON. He has championed every bill they have brought in at this new session.

Mr. LaGuardia. No; I have not.

Mr. BLANTON. The RECORD will show that he has been in control of the time here and that he has been at that desk pushing them through.

Mr. LaGuardia. No. The Post Office Committee is composed of very active members.

Mr. BLANTON. I am not complaining. I think the gentleman is about the best material they could find to put in charge of these bills, that is, this particular kind of bill.

Mr. LaGuardia. May I ask the gentleman this question?

Mr. WEFALD. May I complete my question? Does not the gentleman think this is a part of the punishment that is going to be inflicted on men like the gentleman from New York under a resolution passed by the National Republican Committee?

Mr. BLANTON. They are going to punish him after a while. He does not know it, but they are going to punish him later.

Mr. LaGuardia. The gentleman will take care of himself. The gentleman does not need to worry about that.

Mr. BLANTON. You know that in another body somewhere—I am not saying what body it is—they let a new Member come in and walk up to the front and take a prominent seat and stay there just two or three days, and then unceremoniously they take him back and seat him in the rear, and you know how they do it. That is about what this steering committee is going to do with the gentleman from New York.

Mr. LaGuardia. They will not take the gentleman off of the Committee of the Whole.

Mr. BLANTON. They are putting him in charge of bills which they do not want to get behind themselves. They do not want to father these bills, and they are putting them off on him. They are using our friend from New York as the head of his new party as their cat's-paw to pull these chestnuts out of the fire for them.

Mr. LaGuardia and Mr. MacLafferty rose.

Mr. BLANTON. I yield first to our genial friend, the gentleman from New York.

Mr. LaGuardia. Of course, the gentleman is not serious when he says that the great Republican Party is using the new party to pull its chestnuts out of the fire. Of course, I can understand the readiness of the Republican Party to seek inspiration and new thought from the new party, and that is all. But let us get back to the question. The gentleman is very active on the floor of this House and takes a keen interest in all legislation. Assuming that this bill will meet its fate within a few minutes, does the gentleman realize we will have to come in and ask for an appropriation for landing fields and hangars?

Mr. BLANTON. I would rather do that, if it is necessary. Then we would know what we are doing. We would know how much we are spending. If the Postmaster General is going to conduct an air service, then let us give him definite money to locate his own air service, build his own hangars, and make his own plans. I would rather vote for that than to support this bill.

Mr. LaGuardia. That is what would happen.

Mr. BLANTON. But I will not vote for a blanket bill like this that will let the Postmaster General have open sesame through the front door of the Treasury and obligate public money to be paid out in unlimited amounts. You have taken out the limitation of \$175,000 from the bill and you leave this bill so that he could expend in settlements \$175,000,000 and we would be bound by those settlements. The gentleman from New York would say that the Government must pay its debts and that the Postmaster General was authorized by an act of Congress to make the settlements and that we must pay them, and the gentleman would insist upon appropriating the money to pay them.

I now yield to the gentleman from California.

Mr. MacLafferty. The point of my question has almost gone, but I will say to the gentleman that I was interested in his statement of the treatment accorded the gentleman from

New York by the steering committee, and I wanted to know if the gentleman does not think that after putting him in charge of bills like this they sometimes turn around and fight him when he gets on the floor. I am for this bill and am going to vote for it. I believe in it.

Mr. BLANTON. I knew the gentleman was. I assumed that almost every man, probably, from the Pacific coast would vote for it.

Mr. MACLAFFERTY. No; I do not think so. I see opposition on the floor of this House to the bill from the Pacific coast.

Mr. BLANTON. Well, thank God for that.

Mr. MACLAFFERTY. I will agree that my support of the bill may be wholly mistaken, but it is entirely conscientious.

Mr. BLANTON. The gentleman thinks that locality and coveted air mail service across the continent for Californians has nothing to do with it?

Mr. MACLAFFERTY. No; but I see from the record of this House so many instances where just claimants against this Government are treated outrageously that I have said I would almost rather have a claim against his satanic majesty and have to go to sheol to collect it than to have a claim against the Government of the United States.

Mr. BLANTON. I have seen so many bad bills passed by Congress almost without reading them that I feel just the other way. My sympathy is with the Government. My sympathy is with the people's Treasury. My sympathy is with the taxpayers. My sympathy is with the women and the little children who in the hot sun follow the plows out in California, in that Imperial Valley, and elsewhere over the United States, trying to pay the big interest and the big rentals they have to pay, where the land is worth from \$200 to \$300 an acre and on up. They are trying to make ends meet by working an entire year and sometimes not making more than \$400 or \$500 income from a whole year's work. It is from the angle of their viewpoint that I am inspecting these bills.

Mr. LAGUARDIA. Mr. Chairman, I yield 20 minutes to the gentleman from Utah [Mr. LEATHERWOOD].

Mr. LEATHERWOOD. Mr. Chairman and gentlemen of the committee, I am glad to have this opportunity of saying a few things with reference to this bill before this committee.

The bill as reported out with the amendment by the Committee on the Post Office and Post Roads merely contemplates, if I understand the language, giving authority to the Postmaster General to ascertain what the facts were surrounding the building of these hangars at various points; and in cases where there was a moral obligation on the part of the Government to make settlement, to make some sort of adjustment with the people who contributed the money.

Mr. RAKER. Mr. Chairman, I think I shall have to make a point of order. It seems there is going to be a motion to strike out the enacting clause; and if that is the case, there ought to be some more Members here to hear the gentlemen who know something about the bill.

Mr. LEATHERWOOD. I will ask the gentleman not to do that.

Mr. RAKER. I withdraw it.

Mr. LEATHERWOOD. The bill, as originally framed, gentlemen, contemplated including four or five cities where it was believed the facts surrounding the transaction at each of the cities were very similar. I want to say at the very outset, gentlemen, I can bring you no additional information other than that found in the printed reports and the hearings, except as to one particular city where I believe I know exactly what the facts were. I refer to Salt Lake City. I also want to say at the very outset that the State of Utah is not asking a dollar from the Government. The city of Salt Lake is not asking a dollar from the Government and expects not a dollar if this legislation should be enacted. The Chamber of Commerce of Salt Lake City expects not a dollar from the Government if this bill should be enacted.

After I have presented to you as briefly as I may the facts under which certain individuals contributed very substantial sums of money to the Government for the construction of the hangar at Salt Lake City I believe you will agree with me that some of the conclusions which gentlemen have reached here upon the floor of the House, apparently without any knowledge of the facts in the individual cases, are unwarranted.

Mr. ROMJUE. Will the gentleman yield?

Mr. LEATHERWOOD. Will the gentleman allow me to proceed with my statement of facts, and then a little later I will be very glad to yield to the gentleman and answer any questions?

I have listened with considerable interest to conclusions reached here by various gentlemen during the debate upon this bill; and if they are right as to their assumption of facts, I am not at variance with their conclusions; but I have heard two or three gentlemen this afternoon making positive statements here as to what the facts were surrounding this bill, that I am constrained to think are greatly misinformed as to what transpired.

As I stated a moment ago, I must confine myself to the city where I believe I know what the facts were, and let me say to the gentlemen from Texas who questioned whether there was a man upon the floor of the House who knew of his own knowledge what transpired that I think I can give him that information with reference to my city.

I want you to understand at the outset that Salt Lake City was not bidding for the erection of the hangar prior to the entry upon the scene on the part of the Government. From my own knowledge, I know that no individual or any chamber of commerce had any thought of bidding for the location of a hangar at that place. There appeared on the scene in 1920, Col. John A. Jordan, claiming at that time that he represented the Post Office Department of the United States, and no gentleman here has had the temerity to deny that he was representing the Post Office Department. He immediately got in touch with some of the business men of Salt Lake City through the chamber of commerce, stating that he was there on an emergency matter, that it was the intention of the Post Office Department to have the western air-mail route across the country established and to provide for it, and there would have to be quick action because of the urgent necessity of the Government. I am informed and believe that this same gentleman went to the county commissioners of Salt Lake County and asked them to provide the land for the landing field where there could be erected a hangar to care for the planes at Salt Lake City. The county commissioners consulted the county attorney, who informed them that they had no authority to appropriate a dollar of the taxpayers' money for that purpose. At the same time Colonel Jordan positively represented to certain business men that if they would meet this emergency, advance the money for the construction at once of the hangar, that as soon as he got back to Washington he would take the matter up with the Post Office Department and Congress, which was to meet soon—this was in the fall of 1920—and see that the business men would be reimbursed for every dollar they advanced for the construction of this hangar. Now, that is not disputed. It was admitted by the late Mr. Shaughnessy, Second Assistant Postmaster General, who made an investigation at my request, and found that Colonel Jordan did make the representations as I have stated.

I happened to be present accidentally at one meeting, I think the second or third day after Colonel Jordan made his appearance in the city, when he was discussing the urgency and the great necessity of the building of this structure, and in my presence he positively stated, without any equivocation, that if these business men would advance this money every dollar of it should be repaid. Nobody has ever denied that that statement was made, and two Postmasters General and one Assistant have admitted that these representations were made in substance as I have repeated them here to you.

Now, what happened on account of this investigation and with these assurances, not for the purpose of advertising that city, but believing that there was a necessity for this immediate construction, the money was advanced by several business men. One gentleman, the head of a hardware firm, furnished considerable of the material. They immediately caused to be constructed a hangar involving an expense of nearly \$19,000. This gentleman I speak of furnished the bulk of the material, and that, together with other credits that he had given, caused him to fail, and it was largely because of the large sum which he had advanced in this manner.

Now, in addition to that, the citizens of Salt Lake bought and paid, in round numbers, \$9,000 for the landing field. We are not asking one red cent from this Government to be paid back to anybody for the \$9,000 field. That, gentlemen, was a donation; and I want to say to you that the people out there do not give money for any purpose and then come to Congress and ask to have it handed back to them.

But we do believe the same rule of action, the same laws that apply between individuals should apply between the Government and an individual doing business with the Government. I am amazed to hear gentlemen versed in the law, who have not only a State but a national reputation as attorneys, make a statement and state conclusions here which as prac-



tiating attorneys they would not dare go back home and put into practice among the citizens in their district.

When this building was nearly completed—and up to this point the citizens were erecting it—the Government came in through another of its agents—a Captain Hinckley, I think—and said we must have certain doors on this building. The money put into the fund by citizens had been exhausted; and then, through the agent, who had the same authority that Colonel Jordan had, the Government went to the Campbell Construction Co. and authorized them to go ahead and put on top of that work certain additions, the building of certain doors and a wing room to protect the parts. The Government paid to the Campbell Construction Co. for that at one time \$3,200. Various modifications were made on the main building. In addition to that, the Campbell Construction Co. was instructed to build an office and storeroom in the immediate vicinity. That was built and paid for by the Government, and the contract was made by a gentleman who had no greater authority than Colonel Jordan.

Mr. RAKER. Was that change of construction and additions paid for by the Government?

Mr. LEATHERWOOD. It was paid out of Government money, because they had exhausted the fund that was furnished by the citizens.

Mr. NELSON of Wisconsin. And erected on private property?

Mr. LEATHERWOOD. On property that at every moment of time the citizens have been willing to give to the Government without asking a penny for it. In any way that the Government wants to take dominion of that landing field it may do so for the asking, but all these people want is that the Government shall keep its agreement.

Let us see now why the Government should keep the agreement. I ask you gentlemen who are practicing attorneys, who are practical business men, to follow me for a moment and see whether this is all a one-sided question. Early in the spring of 1921 this whole situation was brought to the attention of the Government. An investigation was made first by Mr. Shaughnessy and later by his successor in office. As I stated in my opening remarks, they found that these representations had been made. You who have so glibly drawn some conclusions here, I ask you what, in equity and good faith, the Government should have done when this matter was brought to its attention, if Colonel Jordan acted without authority and the Government did not intend to keep its agreement with these citizens?

In business life and in the conduct of the business of your clients, you would say that one could not send out an agent and have him do something without authority, get property into his possession or under his dominion and then say that the agent had no authority but that the principal would keep and enjoy the fruits of his agent's unauthorized act. This great Government in the spring of 1921 ought to have said to these men in Salt Lake City, "We find upon investigation that this man had no authority," and then have turned back and ceased to possess and use the property. Did the Government do that? Not by any means. It kept on improving the property and at every minute of time since that moment it has had possession and use of this particular building.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. GARRETT of Texas. Does not the gentleman think, however, that to meet the situation that he presents it would be better to have a private bill for relief of the particular persons rather than general legislation?

Mr. LEATHERWOOD. I think the gentleman and I are not very far apart upon that theory. This bill has been greatly modified since I presented the question on behalf of these people. I do not see that there is the danger in it that some of you gentlemen anticipate, but I do say that there is an opportunity here for the Government to do justice, and I think without any risk to the Treasury of the United States or to anybody concerned.

Briefly, those are the facts surrounding the advancement of the money in this particular place. I challenge any gentleman to produce any evidence that this particular city was bidding for this hangar in order to advertise itself for any purpose whatsoever. True, it has been claimed by one or two that that was the case. I think at one time before one of the committees, one of the post-office officials stated that it was located at this particular point because it was the home of the senior Senator from my State, but to show you how accurate that gentleman was, as they usually are, he did not know that Salt Lake had never been the home of the senior Senator from the State of

Utah, and that he had never had a home established under 50 miles from the city where the building was located.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. WILLIAMSON. I think the gentleman has made out a perfectly good case for his own city, but would it not be possible to fix a limitation in this bill beyond which the Post Office Department could not go? Here is a bill without any limitation whatever.

Mr. LEATHERWOOD. I appreciate that there is much force in the gentleman's suggestion, and I am limiting my remarks to this particular locality because I know what the facts are. I do not know what the facts are that surround these other points. There are gentlemen here who represent the districts in which some of these buildings are located who can speak more to the point in respect to the facts in those cases, but I want to present to you the facts with reference to Salt Lake City. I resent having the people in my district put in a position where it would appear they gave the Government something and now are trying to get it back. We do not grow that kind of people in my country.

Mr. ALLGOOD. Does the gentleman know why the bill was changed?

Mr. LEATHERWOOD. Oh, I have some idea.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. LA GUARDIA. In reply to the suggestion made by the gentleman from South Dakota [Mr. WILLIAMSON] why the amount was stricken out, permit me to say that it was because we know that we can keep it below that amount; but if the committee desires to limit it to \$175,000, we feel confident we can make all the settlements within that amount.

Mr. LEATHERWOOD. I would not have asked for time this afternoon except for one purpose, and that is to put these business men out there right before this legislative body. Whatever the story may be some place else, I say to you there is not a scintilla of evidence to show that the conclusions drawn here against that little group of business men have any foundation in fact, and if they have no foundation in fact, then are you going now to do something that you would not dare go home and do as practicing lawyers representing clients in your district. Common honesty is just as important as between the Government and individuals as it is between individuals.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. LEATHERWOOD. Yes; for a question.

Mr. BUSBY. The argument of the gentleman has been a legal argument. Does the gentleman contend that the Government of the United States is ever bound except by its express authority?

Mr. LEATHERWOOD. Oh, I have had that question asked very often, but two Postmasters General, two Assistant Postmasters General, the superintendent of the great transcontinental air line, say that the Government is morally bound and that this legislation or something like it should be passed to do justice.

Mr. BUSBY. Is not this purely a question of agency, and is it not necessary always for the individual acting with the agent to prove the agent's authority, and that can not be done here?

Mr. LEATHERWOOD. Oh, yes, my young friend; but you have practiced law long enough, I have no doubt, to know that you can not come in and take advantage of the fruits of the unauthorized acts of your agent and enjoy those fruits and then deny the authority. [Applause.]

Mr. BUSBY. Does not the gentleman recognize that this act is ultra vires, beyond any authority?

Mr. LEATHERWOOD. I do not care what it was. The Government had its opportunity to play fair and it did not. It has kept the property and used it and enjoyed it, and now this House is about to say it will not let the Post Office Department pay because Jordan did not have authority.

Mr. BUSBY. Is this the first time the Government has ever been called upon to pass upon the proposition from a governmental standpoint?

Mr. LEATHERWOOD. Not by any means. It has been pressed before the great Post Office Department since the early spring of 1921. It has been before the Committee on Post Offices and Post Roads.

Mr. BUSBY. Does the gentleman contend that the Post Office Department can bind Congress and the lawmaking bodies of our Nation to perform under such circumstances?

Mr. LEATHERWOOD. The gentleman has not followed me. I say that morally and in equity and good conscience this

Congress should give the Post Office Department authority to do equity and to do justice as between these business men and the Government. [Applause.]

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. ROMJUE. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLACK of Texas. Mr. Chairman, I think the gentleman from Utah [Mr. LEATHERWOOD] in his excellent argument for his side of the question has overlooked one important consideration, and that is this: The Post Office Department has no power to erect buildings or construction of that sort without congressional action, but it does have power to make leases. For example, the Post Office Department has no authority to go down into my town and build a post-office building without the express authorization of Congress, but it does have the power, when it needs mail facilities, and it not only has the power but it has the resources to go down in my town and lease a building for that purpose.

I dare say that the Post Office Department now holds that flying field at Salt Lake City under a lease. I guess the consideration is probably \$1 a year. But it is holding it, and I want to propound this interrogatory to the gentleman from Utah, and ask him if I am not stating the facts correctly when I say the Government does now hold the property at Salt Lake City under a lease. Is not that correct?

Mr. LEATHERWOOD. In an attempt to try to do something in a way to repay these good people in the last few years they have been paying a rental upon that field. All that has been credited to the money expended, and the balance would be all that they would expect.

Mr. BLACK of Texas. Yes; I thought so. But if we had been moved a while ago by the eloquent remarks of the gentleman from Utah I fear we would have thought that the Government of the United States had gone in there as a trespasser and by force of arms was holding on to something which it had no right to hold.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. RAKER. As a gentleman familiar with it and as a good lawyer, does the gentleman advise the committee that the Post Office Department had the right to lease these premises for the purpose for which they were used?

Mr. BLACK of Texas. Undoubtedly; of course it had.

Mr. COLTON. The gentleman understands that the lease money is for the hangar and not the land?

Mr. BLACK of Texas. I have not examined the lease.

Mr. LEATHERWOOD. As a fact, we are not getting a cent for the \$9,000 field, and we will never ask a cent.

Mr. BLACK of Texas. I do not know what the consideration of the lease is, but I dare say that the Government holds the lease to the land and all the improvements.

Now, whether or not it is paying sufficient consideration is not for me to say, but it is holding the property under a lease. Yes, a voluntary lease, under which there was an agreement by the Post Office Department and the owners of the property that the Government was to have the use of the property for the consideration therein named.

Mr. RAKER. Will the gentleman yield for another question?

Mr. BLACK of Texas. Yes.

Mr. RAKER. The gentleman is familiar with the subject, and we would like to have the information. The gentleman having answered, and everybody conceding, that the Government had the power to make the lease legally, how can the Government get out of paying for the material that goes on the leased premises obtained by one who claims to be an agent of the Government and the Government afterwards actually using that property?

Mr. BLACK of Texas. I will answer by saying that the Government did not lease these fields until the improvements had been made. That was the proposition. Representatives of the Post Office Department went down there and told the people that we were now about to begin the operation of an Air Mail Service that would be a great Nation-wide asset, and in order to do that we have got to have landing fields and we have got to have hangars; and they said to those people, "You construct them. We have not the money to do that. The appropriation from Congress is not sufficient to do it; but if you will do this for us, then we will make your city one of the landing fields on the route."

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. Will the gentleman yield me about three more minutes?

Mr. ROMJUE. Yes.

The CHAIRMAN. The gentleman from Texas is recognized for three minutes more.

Mr. BLACK of Texas. Now, here is the trouble with this bill.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield right there?

Mr. BLACK of Texas. I want to complete this statement first, and then I will yield. You can take the view that the Salt Lake City item, for example, is a meritorious one. You can adopt that view. But if you do that and will read this bill, you are bound to adopt the view that it is too loosely drawn and will permit the settlement of claims that ought not to be allowed.

Mr. JOHNSON of Washington. And the invitation of other claims.

Mr. BLACK of Texas. Yes. Not only an invitation for other claims, but the bill contemplates them.

Now, let us read the report made by the distinguished gentleman from New York [Mr. LaGUARDIA]. As to Reno, Nev., it contemplates that a settlement will be made with that place for \$41,000. Now let us see about Reno, Nev. Whatever may be said as to the merits of the Salt Lake City claim, I do not see how anyone can read the hearings and say that Reno, Nev., has any equitable claim. Why do I say that? Let me read you the written proposition that Reno, Nev., has submitted through its mayor and committee of citizens:

The community of Reno, Nev., which includes the city and county officers in their official and personal capacities and the leading citizens of the community, hereby offer to the Aerial Mail Service of the United States Post Office Department the use and occupancy of an aerial landing field, dimensions not less than 2,600 feet north and south and 2,300 feet east and west, as a landing field for Aerial Mail Service.

And then it goes on and makes a further description. The consideration of this grant to be paid by the Aerial Mail Service of the Post Office Department is \$1 for the first year, and \$1 for each succeeding year for a period of at least five years, and so forth. It is signed by the mayor and leading citizens of that place.

Yet the bill contemplates that we reimburse the city of Reno, Nev., to the extent of \$41,000, notwithstanding their mayor and their committee of citizens sent a written statement to the Government—to the Post Office Department—to the effect that "If you will establish this route and make Reno, Nev., a landing field we will construct the landing field, and construct a hangar, tender you the full use of it, and all you will have to pay us for it is \$1 a year for five years." I submit this bill ought not to pass. If these are just claims, let them be submitted to the Committee on Claims and take their regular course. I shall vote to strike out the enacting clause of this bill.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. ROMJUE. Mr. Chairman, I want to use about five minutes of my own time.

The CHAIRMAN. The gentleman has 11 minutes remaining.

Mr. ROMJUE. I want to call the attention of the committee to this situation: That here is a large number of claims, a multiplicity of claims, which this bill proposes, if enacted into law, to pay in one block or lump sum. I conceive that if there is merit in some of these claims there may not be merit in some of the other claims. If this becomes a law, you provide for the payment not only of those listed in the hearings, but God only knows how many other claims of similar character may arise and confront the Postmaster General.

In the first place, authority is given to the Postmaster General to settle all of these claims and pay any of them any amount under the sum he sees fit to pay them.

The gentleman from Utah made a very able discussion from the standpoint of his individual case, but he is not punished by this bill not becoming a law, because the avenue of the Court of Claims is open to him. He can introduce a private bill, have it referred to the Claims Committee, and then have that committee pass it on to a court of justice or even have it enacted into law by this House, if it is meritorious. Now, my good friend ought not to complain of such a process. He could have a private bill come up separately and have it enacted into law by this House. The gentleman himself said he does not know about the merits of these other claims, and in that he is en-



tirely honest, because he does not. And, as I said a moment ago, there is a multiplicity of claims, and the Postmaster General will not only have to meet the claims that come up here but very likely there will be other claims come up demanding payment.

Blanket authority is given to the Postmaster General to pay out not \$100,000, not \$50,000, but the sky is the limit. He can pay any amount he desires to pay; and, in the face of that and when gentlemen favoring this bill confess upon the floor of this House that they do not pretend to know the equities and justice in the other claims coupled together here, I submit it is a dangerous precedent for this Congress to vote authority to the Postmaster General or to any other single individual to liquidate and pay claims brought against the Government, the number of which are unknown and the amounts and merits of which are unknown. I do not believe this bill should pass, especially in view of the fact that the defeat of it at this time does not deprive any just claimant of any rights he may have.

Now, the gentleman said a private subscription was made by the citizens of his town, but, so far as the report goes, all of the claims listed in the report are filed in the name of the municipalities.

Authority in this case, my friends, was specifically denied to Mr. Jordan. The Government specifically said, "You must not attempt to bind the Government in these matters" to the extent which the gentleman now claims the Government is bound. When the Government goes that far, I submit to you that it is our duty to somewhat look after, and particularly at this time, the interests of the taxpaying citizens of the country.

Then is there not a duty upon the individual citizen who makes contracts even with an agent of the Government? Is there not some duty upon him to make some investigation and to enter into a contract, if any, about which there can be no cavil or dispute in the future?

The CHAIRMAN. The gentleman has consumed five minutes.

Mr. ROMJUE. I desire to use a moment or two more. What Member of this House will invest \$10,000 of his own money without having some contract to show under what terms the money is invested? Not one of them. What private citizen anywhere, in Utah or elsewhere, will take his own estate and tie it up—\$10,000 or \$20,000—and then have nothing to show except what is alleged to be a verbal assurance of some Government agent, and that assurance directed specifically by the Government not to be given? Is there a moral obligation there on the part of the Government? I think not. If there is, gentlemen of the committee, a moral obligation on the part of this Government to pay individual citizens who choose to recklessly and negligently invest their own capital or put it out without evidence to show how it is put out, then I submit there is some moral obligation on the individual citizen to go into the Court of Claims and not ask this body to pass a blanket bill providing for the payment of a large number of claims, many of which, in my opinion, may be unjust and inaccurate. No claimant has yet otherwise said than that he does not know how many claims are involved. If those who ask this to become a law, who confess they do not know as to the merits and amounts of all claims, is it not unwise to say the Government should pay them?

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. ROMJUE. Yes.

Mr. GARRETT of Texas. If this precedent is to be established, then why not give the same blanket authority to the Secretary of War and the Secretary of the Navy to settle the multiplied thousands of dollars worth of claims now pending before the War Claims Committee and the Claims Committee, claims growing out of war activities and claims for damages to land and property and everything else. Why not give the same blanket authority?

Mr. ROMJUE. I see no difference in that. And, moreover, the denial of the enactment of this proposed legislation into law does not deprive, if the Chair please, individual citizens who may have a just claim from asserting their rights and having them allowed in another way, but not through the House itself. This bill should, in my opinion, be defeated by striking out the enacting clause. [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk completed the reading of the bill.

Mr. ROMJUE. Mr. Chairman, I move that the enacting clause of the bill be stricken out.

Mr. LAGUARDIA. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion to strike out the enacting clause.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry. I have offered a motion that the committee rise.

The CHAIRMAN. That is a preferential motion. The question is on the motion of the gentleman from New York [Mr. LAGUARDIA] that the committee do now rise.

The motion was rejected.

The CHAIRMAN. The question is on the motion offered by the gentleman from Missouri to strike out the enacting clause.

The motion was agreed to.

Mr. ROMJUE. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 1051 and had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on agreeing to the recommendation of the committee that the enacting clause be stricken out.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. A point of no quorum would bring a vote now?

The SPEAKER. Yes.

Mr. RAKER. I make the point of no quorum, Mr. Speaker.

The SPEAKER. The gentleman from California makes the point of order that no quorum is present. The Chair will count.

Mr. RAKER. Mr. Speaker, I withdraw the point of no quorum. They are all here anyhow. [Laughter.]

The SPEAKER. The ayes have it, and the House agrees to the action of the committee.

On motion of Mr. BLANTON, a motion to reconsider the vote by which the action of the committee was agreed to was laid on the table.

#### MAIL-EQUIPMENT SHOPS

Mr. GRIEST. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads and in the absence of the chairman of the subcommittee having charge of the bill, I call up the bill (H. R. 6353) to authorize the Postmaster General to grant sick leave to employees of the mail-equipment shops.

The SPEAKER. The gentleman from Pennsylvania calls up a bill which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Michigan, Mr. MAPES, will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6353, with Mr. MAPES in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6353) to authorize the Postmaster General to grant sick leave to employees of the mail-equipment shops, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Postmaster General be, and he is hereby, authorized and directed to grant to employees of the mail equipment shops, sick leave with pay at the rate of 10 days a year, exclusive of Sundays and holidays, to be cumulative for a period of three years, but that no sick leave with pay in excess of 30 days shall be granted during any three consecutive years; *Provided,* That sick leave shall be granted only upon satisfactory evidence of illness and if for more than two days the application shall be accompanied by a physician's certificate.

Mr. GRIEST. Mr. Chairman, this bill speaks for itself. I do not see how there can be any difference of opinion with regard to it. Sick leave applies to every other bureau and department in the Government, I understand, with this exception. It is recommended by the Post Office Department and I think merits the immediate approval of this House.

The CHAIRMAN. If there is no further debate the Clerk will read the bill for amendment.

The Clerk concluded the reading of the bill.

Mr. GRIEST. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6353) to authorize the Postmaster General to grant sick leave to employees of the mail-equipment shops and had directed him to report the same back to the House with the recommendation that the bill do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRIEST, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GRIEST. Mr. Speaker, that is all the business the Post Office Committee has to-day.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. WAINWRIGHT. Will the gentleman withhold that for a moment?

Mr. BLANTON. I will withhold it.

#### LEAVE OF ABSENCE

Mr. WAINWRIGHT. Mr. Speaker, on behalf of the gentleman from New York, Mr. CROWTHER, I ask that he may be excused for three days on account of illness.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONNERY (at the request of Mr. GALLIVAN) by unanimous consent was given leave of absence indefinitely on account of important business.

Mr. BLANTON. Mr. Speaker, I renew my point of no quorum.

#### ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 51 minutes p. m.) the House adjourned until Friday, January 2, 1925, at 12 o'clock noon.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GIBSON: Committee on the District of Columbia. H. R. 5327. A bill to provide for the payment to the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915; with amendments (Rept. No. 1070). Referred to the Committee of the Whole House on the State of the Union.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 11210) to grant certain public lands to the State of Washington for park and other purposes; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 11211) for the inclusion of certain lands in the Plumas National Forest, the Eldorado National Forest, the Stanislaus National Forest, the Shasta National Forest, and the Tahoe National Forest, and for other purposes; to the Committee on the Public Lands.

By Mr. VARE: A bill (H. R. 11212) to amend sections 405 and 406 of Public Act 242, Sixty-eighth Congress; to the Committee on World War Veterans' Legislation.

By Mr. UPSHAW: A bill (H. R. 11213) to renew patent No. 848913 to Howard P. Mallory, administrator of the estate of Alonzo R. Mallory; to the Committee on Patents.

By Mr. REED of West Virginia: A bill (H. R. 11214) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, as amended by the act of December 30, 1910; to the Committee on the District of Columbia.

By Mr. CABLE: A bill (H. R. 11215) to promote the erection of a monument in commemoration of the treaty of peace between the United States of America and certain Indian Tribes at Fort Greene Ville, now the site of Greenville, Ohio; to the Committee on the Library.

By Mr. MCKENZIE: Joint resolution (H. J. Res. 314) providing for the appointment of a commission to consider and

report to Congress ways and means of establishing within the Pension Office Building a war memorial; to the Committee on the Library.

By Mr. JOHNSON of South Dakota: Resolution (H. Res. 389) for the consideration of House bill 6484; to the Committee on Rules.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 11216) granting a pension to Hattie Reynolds; to the Committee on Invalid Pensions.

By Mr. COLTON: A bill (H. R. 11217) for the relief of J. C. Irwin & Co. and Charles A. Perry & Co.; to the Committee on Claims.

By Mr. EVANS of Iowa: A bill (H. R. 11218) granting a pension to Nathan W. Hamilton; to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 11219) granting an increase of pension to Julia A. Stockwell; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 11220) granting an increase of pension to Ellen Douglass Gowin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11221) granting a pension to Jennie Benjamin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11222) granting an increase of pension to Henrietta D. Washburn; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11223) granting an increase of pension to Laura R. Cummings; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11224) granting an increase of pension to John Dudley; to the Committee on Pensions.

By Mr. McREYNOLDS: A bill (H. R. 11225) for the relief of Andrew J. Ware; to the Committee on Claims.

Also, a bill (H. R. 11226) for the relief of N. W. Ellis; to the Committee on Claims.

By Mr. MAGEE of Pennsylvania: A bill (H. R. 11227) granting an increase of pension to Virginia Hubley; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 11228) granting a pension to Mariah E. Smith; to the Committee on Invalid Pensions.

By Mr. ROBSON of Kentucky: A bill (H. R. 11229) granting an increase of pension to Rachel Peace; to the Committee on Invalid Pensions.

By Mr. ROGERS of Massachusetts: A bill (H. R. 11230) granting a pension to Susan O. Jellison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11231) granting a pension to Gilbert B. Perrin; to the Committee on Invalid Pensions.

By Mr. SEARS of Nebraska: A bill (H. R. 11232) granting a pension to Clotilda M. Hanna; to the Committee on Pensions.

Also, a bill (H. R. 11233) granting a pension to Miriam C. Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11234) granting a pension to Ellen Litzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11235) granting an increase of pension to Sarah C. Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11236) authorizing the Treasurer of the United States to refund to the Farmers Grain Co. of Omaha, Nebr., income taxes illegally paid to the United States Treasurer; to the Committee on Claims.

Also, a bill (H. R. 11237) authorizing the Treasurer of the United States to refund to the Nebraska Buick Co. funds illegally covered into the United States Treasury; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11238) granting a pension to Jane Lawson; to the Committee on Pensions.

Also, a bill (H. R. 11239) granting a pension to Sarah Andrews; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 11240) granting an increase of pension to William T. Hedges; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 11241) granting an increase of pension to Mary J. Herbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11242) granting a pension to Meairda Mullins; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 11243) granting an increase of pension to Emma S. Gray; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 11244) granting a pension to Peter Sheplar; to the Committee on Invalid Pensions.



Also, a bill (H. R. 11245) granting an increase of pension to Rebecca Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11246) granting a pension to Jemima Mechling; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 11247) granting a pension to Amelia Weber; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3320. By Mr. ANDERSON: Petition of residents of Simpson and Stewartville, Minn., protesting against the passage of compulsory Sunday observance legislation (S. 3218); also from residents of Winona, Winona County, Minn., protesting against the passage of compulsory Sunday observance legislation (S. 3218); also from residents of Austin, Minn.; to the Committee on the District of Columbia.

3321. By Mr. CLARKE of New York: Petition of thirty-fourth congressional district, State of New York, not to concur in the passage of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3322. By Mr. JOHNSON of Washington: Petition of citizens of Cathlamet, Wash., opposing the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3323. Also, petition of various citizens of Clarke and Cowlitz Counties, Wash., opposing enactment of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3324. Also, petitions of various citizens of Camas, Battle Ground, and Washougal, Wash., opposing the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3325. Also, petition of various citizens of Carrolls and Kelso, Wash., opposing the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3326. By Mr. KETCHAM: Resolution passed by the Benton Harbor City Commissioners, Benton Harbor, Mich., favoring the passage of Senator FLETCHER's bill which provides for the construction of certain public buildings; to the Committee on Public Buildings and Grounds.

3327. By Mr. KOPP: Petition of Grant McKee, Lillie McKee, W. W. Wiley, Grace Mathias, Margaret Greenfield, Retta Wiley, Oscar Mathias, G. W. Lowe, Chas. E. Greenfield, Victor Burden, Edith Burden, C. J. Burden, and Velea Lowe, of Birmingham, Iowa; M. E. Graves and J. T. Graves, of Bentonsport, Iowa; E. W. Graves and Lillie Graves, of Stockport, Iowa, asking that the House of Representatives do not concur in the passage of the compulsory Sunday observance bill (S. 3218) nor pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

3328. By Mr. SINNOTT: Petition of residents of Portland, Oreg., protesting against the passage of the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3329. By Mr. WILLIAMS of Michigan: Petition of Mrs. Nettie Pugh and seven other residents of Albion, Mich., protesting against the passage of Senate bill 3218, known as the Sunday observance bill; to the Committee on the District of Columbia.